

# MINUTES

of the

## COUNCIL OF THE COUNTY OF MAUI

July 24, 2015

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII, ON FRIDAY, JULY 24, 2015, BEGINNING AT 9:02 A.M., WITH CHAIR MICHAEL B. WHITE PRESIDING.

CHAIR WHITE: This meeting of the Maui County Council shall come to order.

Clerk, will you please read the roll.

### ROLL CALL

PRESENT: COUNCILMEMBERS GLADYS C. BAISA, ROBERT CARROLL, ELEANORA COCHRAN, DONALD G. COUCH JR., S. STACY CRIVELLO, G. RIKI HOKAMA, MICHAEL P. VICTORINO, AND CHAIR MICHAEL B. WHITE.

EXCUSED: VICE-CHAIR DONALD S. GUZMAN.

COUNTY CLERK DENNIS A. MATEO: Mr. Chair, there are eight Members present, one excused; a quorum is present to conduct the business of the Council.

CHAIR WHITE: Thank you, Mr. Clerk. And, this morning we have opening remarks from Elle Cochran.

### OPENING REMARKS

The opening remarks were offered by Councilmember Elle Cochran.

CHAIR WHITE: Thank you, great mana`o.

And, Members, will you all please rise and join me in reciting the Pledge of Allegiance.

### PLEDGE OF ALLEGIANCE

The Members of the Council, and others in attendance, rose and recited the Pledge of Allegiance.

CHAIR WHITE: And, just a reminder to everyone in the audience to please turn off your cellphones, or put them on, on vibrate.

So, let's, Mr. Clerk, let's proceed.

COUNTY CLERK: Mr. Chair, no one has signed up to provide testimony on the ceremonial resolutions. Proceeding with the ceremonial resolution.

### CEREMONIAL RESOLUTIONS

RESOLUTION  
NO. 15-76

CONGRATULATING THE 2015 HAWAII  
ACADEMY OF RECORDING ARTS NA HOKU  
HANOHANO AND LIFETIME ACHIEVEMENT  
AWARD WINNERS FROM MAUI COUNTY

CHAIR WHITE: Thank you, Mr. Clerk.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

I MOVE TO ADOPT THE RESOLUTION ENTITLED  
"CONGRATULATING THE 2015 HAWAII ACADEMY OF  
RECORDING ARTS NA HOKU HANOHANO AND LIFETIME  
ACHIEVEMENT AWARD WINNERS FROM MAUI COUNTY".

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Ms. Crivello and a second from Mr. Victorino.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. May we have the resolution read in its entirety?

CHAIR WHITE: Yes, without objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Mr. Clerk, please proceed.

*(The resolution was read in its entirety.)*

CHAIR WHITE: Thank you, Mr. Clerk.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. It is with great pleasure that we recognize the winners of both the Na Haku, Na Hoku Hanohano Award and the Lifetime Achievement Awards.

It is not every day that we are able to have these many gifted individuals in one room at the same time. But, it shows how much talent that we have in Maui County. It is not an easy feat to win a Na Hoku, as there are many musicians across the State creating amazing work.

I also know that it is never easy to be a musician. It takes hard work, reflection, and dedication to create these works of art. Unfortunately, we sometimes take the end product for granted. But, music, especially for many of us, Hawaiian music has become an important part of rejuvenating our spirits and our soul.

Keali'i Reichel is no doubt a legend. But, with his recent wins, his Na Hoku count has come to 38. What an amazing feat, but very much well deserved. Each album that he creates is truly a piece of art.

I was, I also was more than pleased to hear that Amy and Willie K won a Na Hoku having rejoined forces after 10 years. The synergy in their music is well deserving of a Na Hoku Award.

It is also great to see our younger generation being recognized with Nā Hoa led by Ikaika Blackburn, winning an award along with Graphic Designer Wailani Artates. Congratulations to each of them.

Finally, I would like to also recognize our Lifetime Achievement Award winners; Uncle Richard Ho`opi`i, Henry Allen, Jimmy Mo`ikeha, and the group Puamana.

These folks have dedicated their lives to Hawaiian music and have done so much to bring our music industry to prominence and popularity. I appreciate each of their contributions to our community and our music industry.

On behalf of the Maui County Council, we'd like to thank you for all of your work. You have brought much pride to our County and I hope that you will continue to create and make Maui County proud. Mr. Chair, thank you.

So, let's have kanikapila right now. Thank you.

CHAIR WHITE: Members, any further discussion on this measure?

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. I think it's a great thing for us to be able to honor them today. They are here because they love what they're doing. And, it's that love that makes what they're doing great. And, what makes it even greater is their love to share it with us. And, that what's makes it so uplifting to us and so meaningful. And, I thank them for all they do because what they do with their love makes us strong. Thank you.

CHAIR WHITE: Thank you, Mr. Carroll.

Ms. Baisa.

COUNCILMEMBER BAISA: Thank you very much, Chair. Once again, we sit here this morning, basking in the glory of our Maui people who excel in so many ways. We see it with our youth, now we see it with our artists, and it's just so wonderful. We should be so proud of Maui, you know. Our Maui County produces incredible people and I want to congratulate all of them and thank them.

But, I especially want to take personal privilege to congratulate my niece, Wailani Artates. Our family is very proud of her. She excels and, you know, we knew her from before she was born, of course, and it's been wonderful to watch her grow into

the incredible young woman that she is. Not to take away from any of the other, others, because they are all incredible. But, just wanted to give a special at-a-girl to Wailani. Thank you.

CHAIR WHITE: Thank you.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And, I, I wholeheartedly concur with the comments. And, this is a proud and honorable moment to be here, to give all, I mean, look at all these "Whereas's" and the lists of achievements and accomplishments; it's just unbelievable.

But, it's not surprising cause we do turn out some really great talented people from Maui, and have been for many generations actually. And, I just appreciate, I think in like my opening comments in regards to our kupuna, there's Uncle Richard Ho'opi'i on the screen as I speak, and it's people like himself and the others that are handing down that culture and what they know, their love, their skill, and their talents to the future. And, it will be forever with us because it's recorded, it's on video, it's in pictures and everything else so we can enjoy for many, many generations to come.

So, I'm happy to be here today to honor and support and give much mahalo nui to everyone for their time, energy, and effort because that's a lot of work; to go from town to town, island to island, traveling and putting on a show, and the happy energizing, you know, give it your all to the, to the audience. And, I know it takes a lot. So, I appreciate their efforts and I'm looking forward to more. Thank you.

CHAIR WHITE: Thank you, Ms. Cochran.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And I, I too echo the sentiments of my colleagues. You know, being a malihini, one of the first things I did when I got here is made sure I got into the, the Hawaiian music scene, to listen and, and just calm me down from the old, the mainland rush if you will.

And, it's a pleasure to see some of those folks, all of those folks here who I've listened to in the, in the number of years I've been here. I've had the pleasure of working with Henry Allen and, and it's just a great time for the people of the County of Maui. So, it's great to, to see the artists here who've helped me, welcome me to the island of Maui. Thank you.

CHAIR WHITE: Thank you.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, what more can we say except, No Ka Oi, No Ka Oi, Maui County No Ka Oi. Thank you.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Chair. And, I apologize for not being here the past four days. But, it was part of my plan not to spread my--

CHAIR WHITE: Could you move your microphone a little closer since your, your voice--

COUNCILMEMBER VICTORINO: I cannot believe that you would say that to me.

CHAIR WHITE: I know. And, I don't think anyone can believe that they're having a hard time hearing you.

COUNCILMEMBER VICTORINO: Yea, well, and I purposely stayed away the last four days so that I wouldn't share what I had. I know sharing is caring, and there is caring out there in this community through our artists. They brought pride to Hawaii and to Maui throughout the world.

If you look at people like Henry Allen, through the years, right there on the, gone all over the world with many others to promote Hawaii, and the true meaning of Hawaii. And, we can be very thankful there is a new generation coming up. I can remember Ikaika in diapers, sorry Ikaikai, I watched them grow up.

I've been very fortunate, whether it's Willie K, Amy, through the years to listen, to be a part of, to sit down with them and just talk story. We are truly blessed in this County. And, I am, I, I cannot not remember, take a moment not to remember Solomon and Uncle Richard, cause they were one of the first people I ever met when I first came here in 1972. And, I remember meeting them at a party. I didn't know who these people were, but they could sing. And, something I've never forgotten. And, Uncle Richard's children and mine have grown up together. And, so, even today whenever I get a chance to watch one of Uncle Richard's performances, I'll go out of my way to be there.

Mr. Chair, today is a very proud day again for Maui County. Again, like Ms. Baisa said and everybody else has said, talent abundant, whether it's the youth, whether it's our adults, whether it's sports, whether it's our artists, whether it's our musicians, we

are truly blessed. And, I want to continue to wish them success and may God protect them through their travels throughout the world; promoting Maui County and Hawaii. Mahalo, Mr. Chair.

CHAIR WHITE: Thank you, Mr. Victorino. And, happy that you're able to join us today.

The Chair would just like to say that I'm very proud and honored to have this caliber of talent join us in the chambers this morning. I just wish that some of us nine had the, had anywhere near the talent of the, of those of you. We might be able to harmonize a little bit more often.

But, but you know, we all owe a debt of gratitude to those of you who have taken the time in your life to help preserve the culture and to help preserve the spirit of this place. And, to do such an incredible job of taking it to many, many other lands and sharing our aloha, and sharing what we do here on Maui.

And, like the others have said, we've sat here many times with, with students, with various people who have risen to the level of either national recognition or state recognition of incredible, incredible achievement. Today it's musical achievement, but it's also a cultural achievement.

And, to all of you who have taken the time and, and put the energy into it to help us preserve the spirit of what makes Maui a special place, I think we, all nine of us give you a warm, warm aloha and a big mahalo.

So, with that, Ms. Crivello.

COUNCILMEMBER CRIVELLO: Are you going to vote?

CHAIR WHITE: Well, I'm just asking if you had anything else to say.

COUNCILMEMBER CRIVELLO: Oh, you're smooth.

CHAIR WHITE: Yea, because I forgot to take the vote.

COUNCILMEMBER CRIVELLO: Okay, thank you, Chair. It's just chicken-skin time. So--

CHAIR WHITE: Yea.

COUNCILMEMBER CRIVELLO: --let's just call on the vote and we'll bring them back.

CHAIR WHITE: Okay. Any further discussion, Members?

Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,  
COCHRAN, COUCH, CRIVELLO, HOKAMA,  
VICTORINO, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: VICE-CHAIR GUZMAN.

CHAIR WHITE: Measure passes with eight "ayes, zero "noes", and one "excused";  
Mr. Guzman.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Mr. Chair. With your permission, I'd like to call  
up the Hawai'i Academy of Record Arts Na Hoku Hanohano and Lifetime  
Achievement Award winners from Maui County to the podium, to present them with a  
copy of the resolution and leis of aloha.

CHAIR WHITE: So ordered.

COUNCILMEMBER CRIVELLO: Chair.

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: At this time, I'd like to open our podium so our entertainers  
can entertain us, no. But, and, but, we are honored at this time to have them with us.  
And, I'd like to invite each of them to share their mana`o.

But, most of all we'd like to say mahalo nui for sharing your gifts. Your gifts  
enhances us each day of who we are and where we come from. So, mahalo.

CHAIR WHITE: And while she's passing out the certificates, Members, following their  
remarks we'll take a recess and have a picture taking.

MR. RICHARD HO`OPI`I: Aloha kakahiaka kakou aloha.

CHAIR WHITE: Aloha.



MR. HO`OPI`I: Mahalo . . . The person that is wiser and larger than you and I, I call him the Lord Jesus Christ. No matter what the circumstances of the, of, of differences doesn't really matter, it's between you and him. So, thank Him for waking us up one second after 12 this morning, and we get till one second after 12 tonight; that ends our 24 right? We got to continue to be nice, to be good, to be happy in whatever we do, it's not ours, it's for the man above and thanking him. And, each and every one of you has put a point in there, in your lifetime.

I want to thank you individually for recognizing the hardworking musicians. Together, we all go through a lot of things. But, thank God for giving us talents of individuals that go out there and bring the community together, and bring one another together as brothers and sisters. Continue the good works, be proud of yourself, be proud of your accomplishments.

And, don't forget, repeat after me, "Jesus loves me yes I know, for the bible tells me so. Little ones to hear me sing. We are weak but He is strong. Yes, Jesus loves me. Yes, Jesus loves me". Please sing with me. "Yes, Jesus loves me, for the bible tells me so". I love you. God bless you.

MR. KEALI'I REICHEL: *Chanted an oli.*

Aloha kakou. What an honor to be here amongst these guys and gal, and those who are, who are, couldn't come today. And, mahalo to each and every one of you for making an impact, not only on us, but on our island, our home, our environment, and this place that we love so much which we call Maui; Maui No Ka Oi, like he said.

Hawaiian music like hula, and people forget that it is a culture of transmittance, yea. There is not one musician, like Kumu Hula, who has not entered into this cycle of transmitting culture and information through mele. And, part of that transmission is place names to bring back the images and cultural appropriateness of all of our places here on Maui. And, I bring this up because all of that kind stuff is in your hands, yea.

Many of the songs that we write are be, are environmentally based and culturally based within the environment. It reminds us of our elemental kinship to the forest, to the ocean, to the winds, and to this aina. And, so I thank each and every one of you for being the kia`i yea, being the guardians, and to continue to be the guardians so that my generation and the generations below can continue to write songs about places that still exist, yea. No more those places, there is no music, there is no song, and there is no hula. And, so mahalo ia `oukou pakahi a pau. And, I going stop now. Okay, bye.

MS. WAILANI ARTATES: Aloha, I'm Wailani Artates. I just wanted to thank the Members of Council, Council Chair for inviting us here today. It's an honor to stand, like Keali'i said, with these talented individuals that I've all worked with at some capacity.

I have a real deep love for this place. I was raised here and was able to go away to school and return home. And, I feel very fortunate to be able to make a living and raise my family here, and do what I love.

And, I just wanted to give a special mahalo to my dad who is here with me today. And, I believe that he, this is the first, besides graduation, the first honor that he's ever witnessed me receive. He was a Council, worked for the, not Council, but worked for the County all his life for the Water Department, is happily retired now. And, without him, I wouldn't have been afforded the love, and support, and education that I had to be able to be here today. So, mahalo, dad.

MR. IKAIKA BLACKBURN: Aloha mai kakou.

CHAIR WHITE: Aloha.

MR. BLACKBURN: To all the Councilmembers and to the Council Chair, aloha. Thank you for having us over here. You know, it is such a, an honor and a pleasure to be up here. Like we, we've all said, to share the stage with such wonderful people, musicians and artists. You know, I going just share a couple things. You know, we had the pleasure of playing with Uncle Richard at this past Na Hoku's, my group Nā Hoa and Uncle Richard, which was a blast.

And, you know, we shared, we shared some time at my house where we really got lock in and hone in the generational gap there, that there is there, you know. Like Keali'i said, you know, from the elder generations to the younger generations. You know, we, we're never going to stop learning from them. And, they just continue to prove and show us how much we got to push and where we need to get to as a younger generation coming up in this industry, in this cultural value that we, we cherish.

You know, it's, as all of you have said, we, we, we serve our County and we love doing it, you know, as musicians, as artists. And, as you can see, I do it also in another capacity. And, I'm on duty today so that's the only reason why I came in uniform. So, I, I got to go back to work right after this. But, you know, just mahalo to each and every one of you for honoring us and giving us this prestigious resolution and award.

I got the chance also to work with Wailani on my own personal album as well, and you know, she's wonderful. And, like all of you have said, we have some fabulous people in this County, including each and every one of you who are leading our County. And so, mahalo to Uncle Richard, Keali'i, Wailani, and mahalo again to each and every one of you. Thank you.

CHAIR WHITE: With that Members, we'll take a recess at the call of the Chair for picture-taking.

(THE MEETING WAS RECESSED BY THE CHAIR AT 9:36 A.M., AND WAS RECONVENED AT 9:38 A.M., WITH ALL MEMBERS PRESENT, EXCEPT COUNCILMEMBERS CARROLL, VICTORINO AND VICE-CHAIR GUZMAN, EXCUSED.)

CHAIR WHITE: This meeting of the Maui County Council will come to order.

Thank you, Members for that recess. I think that's, always so uplifting when we have such talent come and join us here on the, on the chamber floor. So, with that, we will proceed.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, for the record, RESOLUTION 15-76.

Proceeding with presentation of testimony on agenda items. We have established limited telephone interactive communication that enables individuals from Hana, Lanai, and Molokai to provide testimony from our District Offices.

Individuals who wish to offer testimony from Hana, Lanai, and Molokai, should now sign up with the District Office staff. Individuals who wish to offer testimony in the chamber, please sign up at the desk located on the eighth floor lobby just outside of the chamber door. Testimony at all locations is limited to the items listed on today's agenda.

And, pursuant to the Rules of the Council, each testifier is allowed to testify for up to three minutes with one minute to conclude if requested. And, when testifying, please state your name and the name of any organization you represent.

Hana Office, please identify yourself and introduce your first testifier.

MS. DAWN LONO: Good morning. This is Dawn Lono at the Hana Office and there is no one waiting to testify.

COUNTY CLERK: Thank you.

Lanai Office, please identify yourself and introduce your first testifier.

MS. DENISE FERNANDEZ: Good morning, Chair. This is Denise Fernandez on Lanai and there is no one waiting to testify.

COUNTY CLERK: Thank you.

Molokai Office, please introduce yourself and introduce your first testifier.

MS. TINA THOMPSON: Aloha. This is Tina Thompson at the Molokai Office and there is no one waiting to testify.

*(Councilmember Victorino returned to the meeting at 9:40 a.m.)*

COUNTY CLERK: Thank you.

Mr. Chair, we have eleven individuals who have signed up to testify in the Council chamber. The first person to provide testimony is Jim Smith, testifying on Committee Report 15-74, Bill No. 47 and Bill No. 48. And, Mr. Smith is followed by Sally Raisbeck.

CHAIR WHITE: Thank you.

### PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MR. JIM SMITH [testifying on Committee Report No. 15-74, Bill Nos. 47 (2015) and 48 (2015)]:

Chairperson White, Members of the Maui County Council, aloha. You know, Committee Report 15-74 is so important. It is so important, I'm so glad it's happening. And, I, I support this effort that you're engaged and the committee report has some stunning things that are identified in it across the board. I don't think that it should be hard to recognize that \$900,000 for a water truck should not preempt \$900,000 for 32 homes, which is Hale Mahaolu.

So, there's something distinctively wrong with that. But, it's not the people. It's not the directors or, at least of the grants, okay. It's something else. It's a structural problem. Now, there is a committee, a draft committee that preempts you now. And,

you say, we've got to pass this out, we don't have time. And, so they win. And, who appointed them, and where is their connection in our political structure? It is not there.

So, when this bill goes back to committee, I hope it would, I would say, you know what, we don't need the money; 1.7 versus our Council saying I'm sorry, we can't act. I would say that's a principled issue. I appreciate the fact one Member did take a stand. But, I understand the practicalities and, and so. But, I'm saying when you bring this back to committee, bring Committee Report 15-50, which is what I've transmitted to you.

And, in that, again, you say why didn't you bring individual bills? Instead, you brought one with four different grants. We'll approve it this time, but not; you can't do that and maintain your integrity. And, it has to come from the executive and it's not.

So, you're being sucked into an executive decision-making frame and it's destroying the structure of our political body. And, that's taking me and my vote, and putting it somewhere that's undefinable. And, if there's one thing that holds us together, it's one vote. And, that's what you're in the throes of. And, it's the separation of powers, three separate powers. And, where does this come from? It comes from one power, and that's individual power, that's the power of impulse, that's the thing that kills everyone; it's not the power of soul or reason. And, you've separated that into three beautiful parts. Independent, independent yet taking it a step away from my throat so that the power now is played out in here, not on the street. And, that's our political system.

So, I would say send it back. Refer back your, your Committee Report 15-50, that I got with you and get into this. Who is responsible in our Charter for this issue? Managing Director manages the budget, the Mayor approves. But certainly not a draft committee that's taken over your legislative authority, huh. This needs to have this discussion now on structure, and I hope you'll do that. Thank you so much.

CHAIR WHITE: Thank you, Mr. Smith.

Members, any need for clarification of Mr. Smith's testimony? Seeing none, thank you for being here.

Oh, you've got one more, or two more.

MR. SMITH: Two more.

CHAIR WHITE: Okay.

MR. SMITH: If I might add a comment on the communication that comes to you regarding a, and that would be 15-203, which is a letter from the Mayor regarding the purchase of land. After I finish my testimony here, if I could add that.

Now, I, I've submitted written testimony on Bill 47, okay. And, I think it's a, another one of these structural issues. I think it's very important. At the same time, we have Bill No. 48 coming up. But, 47 is, is significant, I think, because HRS 201H-47, okay, at (A), (2)(B), whatever, (B) is where it ends, has this idea, "The corporation's interest created by this Section shall constitute a statutory lien on the real property and shall be superior to any other mortgage or lien." And, that it goes on for an except for. So, it didn't appear to me, when I read the committee report, that this was necessary at all, that you enacting into legislation this information was clarifying anything.

This whole affordable housing gadget is a mess. If you look at the Hawaii Incorporation, HRS 201H, you're lost. If you come and you say where is the affordable housing? It's not there. If you ask why it's not there, it's because we don't want to be pushed around. But, if you don't push us around, we're going to give you. And that's never happened in my experience. So, there's a whole lot of stuff going on here. So, it would seem to me that there should be no action on our affordable housing policy until the two-year review; none removing foreclosure. Who, who's, what is that? And, I've got, and, I've written about that.

And, now, in addition to that letter, I would ask you to consider this other provision regarding a statutory lien. So, you should have that option in the books, to do a statutory lien instead of foreclosure. You should have the option that the first thing is a statutory lien regardless. So, that means that this is not even finished. And, that's a different political ideology. I mean, that's what was introduced here about we can pass this law out and then fix it when it comes back and identified it.

So, I would say please, refer these, this bill back to Committee and work out this thing about foreclosure and, because there's no need for this until you do your review. So, I would appreciate this consideration. Unlikely that it'll happen, but, I'm hoping that you'll recognize that this is a structural problem and it's going to come back in three or four different ways. And, it's already started and you need to solve that. Okay, thank you very much.

The next testimony is on Bill No. 47, which is this reference to, if in conflict, HRS 201H will prevail, okay. And, HRS 201H, okay, it's hard to decide what that is. It does not look like a general law of the State like the Sunshine Law because it's a incorporation. So, you're establishing a corporation. Within this corporation you're giving power, extreme powers, and then you want to dive into this and work your way

through it. Well, that's what funds our legal industry, okay. But, that to me is not what you want to look at. You're never going to be in conflict with the general law. Statutorily, it's not possible cause it's all public welfare, okay. And, if you look at land use, you're required to do one-acre ag. You guys did two. You were more restrictive, okay.

You look at testimonies. They say you have to give a certain amount. You could give two or one, you give three and then four if you're lucky. But, that's the way it's supposed to work. General laws are not ever in conflict with from my pedestrian perspective. So, you really don't even need to talk about this in our code with this legislation.

So, I would say Bill No. 48 is not helpful. It doesn't refine the process at all. It confuses it and therefore, it should be referred back to Committee, just from my perspective, pedestrian perspective with one vote. That's the part, that it means something because this is a legislative, executive, and judicial form of government, yes. Thank you very much. That's my testimony on Bill No. 48.

The second, the final, you're so patient, the final, and you haven't even said anything to ask me. The final testimony is on this, this letter, okay, regarding purchase of land, okay, near my home. Now I've never been there, I've never been to Jaws, and I've been here for a, not a hundred years, but seems like it sometimes; that would be 15-203. But, I'd like to go there sometime and I wouldn't have to have a key. So, I think it's a really, really good idea and I'm so glad you guys are stepping up, okay.

But, I think the problem is with this letter is you are being seduced into negotiations which is an executive function. I mean, that's executive decision-making, and we know this particular executive doesn't like the separation of powers or at least the responsibilities. So, he just avoids it all and has his communicators, who he hires to head departments, do it, communicate. So, there's no management, there's only communication.

So, I would say basically, file this letter. It doesn't mean anything. Today's prices will be to, it's like Launiupoko. You should get an estimate. You're not going to get it, it's just ridiculous, the whole. And he shouldn't be writing to you, but, he does. And, you guys really shouldn't be appropriating money for a project that isn't even on the ground. But, you did. But, that's okay cause at least there was a gesture. But, our government is not of gestures, okay. It doesn't survive by gestures. It's inside. It means something. You validate life as you because of one vote, causes you to do things not of your own power, but within the framework of three separate powers. And, that's what makes this so beautiful. And, that's what makes this letter a little bit odd and really should be filed because you can get that information any other time.

And, certainly not at a Committee on a letter from this particular office. So, I would just say file that letter. But, pursue with your constituents the concern. Thank you so much.

CHAIR WHITE: Members, any need for clarification of Mr. Smith's testimony?

Seeing none, thank you very much for your always passionate words. And, thanks for being here.

Mr. Clerk.

COUNTY CLERK: Sally Raisbeck testifying on County Communication 15-203, to be followed by Sunny Savage-Luskin.

*(Councilmember Hokama was excused from the meeting at 9:53 a.m.)*

MS. SALLY RAISBECK (testifying on County Communication No. 15-203):

Good morning, Mr. Chair. Good morning, Councilmembers.

CHAIR WHITE: Good morning.

MS. RAISBECK: I certainly don't have the concerns that Jim has about structure of government. I'd love to see this Council be in charge and have a County Manager in charge of the executive branch.

But, right now, my concern is about Jaws. And, I wonder how many of you have, have been down to see Jaws when it was breaking. I hope all of you have. Everybody been down to see Jaws? Good. I've been lucky enough to be there a number of times and, in particular, the very first time they had a, a competition there several years ago, I was there. I haven't been down recently cause the access isn't too easy if you don't have a four-wheel drive.

But, I think in regard to this purchase, you need to think not in terms of five years, or ten years, or fifteen years, in terms of 100 years, because none of us will be here then. But, Maui will be here, Jaws will be there, and it is a world-class attraction.

I would much rather see the County own that land, than see it devoted to millionaire mansions owned by people from Singapore, and France, and China. I would like to see the County own that land.



And, I even have an idea of what could be done with it. When I was in Colorado, this summer, I went to the Garden of the Gods, which has beautiful rock formations. It was first preserved because a private individual had the money to buy it and, then later it became a national monument. I'm not sure if it was a donation or whether it was bought. But, instead of having very difficult access that, as an older person I wouldn't have been able to, to manage probably, they had wonderful big parking lots. They had a shuttle service to take you to the, to the visitors center. In the visitors' center, they had all kinds of things, including a video about the history of the place.

*(Councilmember Hokama returned to the meeting at 9:56 a.m.)*

MS. RAISBECK: And, it was there for the public, instead of being shut off like all the, down in Makena, so much has been shut off by the mansions between the ocean.

So, please do, pursue this purchase. Thank you, Mr. Chair.

CHAIR WHITE: Thank you, Ms. Raisbeck.

Members, any questions or clarification needed? Seeing none--

MS. RAISBECK: Thank you.

CHAIR WHITE: --thank you for being here this morning.

Mr. Clerk.

COUNTY CLERK: Sunny Savage-Luskin, to be followed by Ryan Luskin.

MS. SUNNY SAVAGE-LUSKIN (testifying on County Communication No. 15-203):

Good morning.

CHAIR WHITE: Good morning.

*(Councilmember Crivello was excused from the meeting at 9:57 a.m.)*

MS. SAVAGE-LUSKIN: Chairman and Council. I am here also in regards to agenda item 15-203. And, thank you for your support on the purchase of this land from Kuiaha to Peahi.

When I was a little girl, I remember my grandparents standing up in their community to create a park. And, I watched how simply having a place for people to gather in nature truly transformed the health of the community.

So, I stand here in support of the Mayor acquiring all four lots with Phase 1 being the purchase of the three smaller lots; most at risk of being purchased by, you know, non-County buyers. This idea of purchasing the land in phases, as long as the land is first secured, has been done at Launiupoko, Makena, and other large land holdings. And, I think that we learned that these placeholders in the budget allow us to get to our final goal.

Community groups are ready to work together. And, on the management strategy, and there's already a vision statement that has been put together. Although we cannot predict the future with certainty, this current global trend to develop land with little to no thought of global climate change and impending biodiversity loss will likely leave little in the way of healthy resources for future generations. I cannot idly sit by on the sidelines and watch this happen in the community my children call home.

Are there any of you in this Council who have not shared moments with your friends and family at Launiupoko? Anyone? Has anybody not visited and shared time with their family and friends at Makena? These are the places that we love, that we have memories. Who doesn't love a park? This is an easy sell.

*(Councilmember Crivello returned to the meeting at 9:59 a.m.)*

MS. SAVAGE-LUSKIN: These are our treasures and, these are the places guests to the islands and locals alike, adore. So, please, empower Haiku to malama the aina along with our moku Hamakualoa. So, thank you for your consideration. And, I feel this is really important for future generations. Thank you.

CHAIR WHITE: Thank you, Ms. Savage-Luskin.

Mr. Clerk.

COUNTY CLERK: Thank you. Mr. Chair, the next testifier is Ryan Luskin testifying on County Communication 15-203, to be followed by Lawrence Carnicelli.

MR. RYAN LUSKIN (testifying on County Communication No. 15-203):

I'm a lucky guy. That was my beautiful wife. This is Zeb. My question is, will Zeb get to surf K Bay like dad?

We live in Kuiaha Valley, we've lived there for 15 years. And, I probably go down to K Bay a hundred days a year to go check out the surf. Here's a picture of me surfing in Kuiaha Valley where we live. Recently, there was a gate put up there. And, they said the gate was for our protection. They said the gate was for our protection.

Whoa buddy, okay, be gentle. Mom you want to grab him?

So, the gate was for our protection and pretty soon they said it would be open every morning at six and closed every evening at six. But, there were days that the gate was closed, we couldn't get down to this place that we've been going for 15 years. And, I thought, oh God here it comes, you know, first the gate, it's for our protection, then the land gets developed, then their houses, then we can't get down to the bay.

And so I go down there all the time. I go down there with all my friends. I see local people down there. I go fishing with my Hawaiian friends. And, I'm concerned about my little baby up there. I, I think about the future of Maui. I think about being here when I was a kid and looking at Makena, and looking at Lahaina, and remembering how they were when I was a kid and thinking how different they are now. So, I'm concerned about the future for my baby. And, I think we have an opportunity right here. Things come and go in life, so there's a chance now that we can take care of this land for the future, and I hope that you have the forethought to do that.

Here's a book published by a former principal of Haiku School about going down to that bay in the 1930's and 40's. And, so it's a place that's been used for many, many years. It was called Coconut Bay in this book. And, a lot of my neighbors have been going down there for a lot of years.

And, so this is, you know, like I say, one of those opportunities in life that comes and goes. I hope that when my baby Zeb grows up to be bigger that it's not developed and there's not a lot of people from other places that have bought mansions there, but it's a place that's safe for the community for doing things like motorcycle riding, going fishing, picnicking, even getting married. My wife and I were married down there so it's a special place. And, so we'll see. I'll be here then and I'll be thinking about this day and the thoughts that I had, and the thoughts, the wishes that I had for my baby. Thank you very much.

CHAIR WHITE: Thank you, Mr. Luskin.

Members, any need for clarification of his testimony? Seeing none, thank you for being here this morning.

Mr. Clerk.

COUNTY CLERK: Next testifier is Lawrence Carnicelli testifying on County Communication 15-203, to be followed by Adam Lottig.

MR. LAWRENCE CARNICELLI (testifying on County Communication No. 15-203):

Thank you, Mr. Chair.

CHAIR WHITE: Good morning.

MR. CARNICELLI: Council. Lawrence Carnicelli on 15-203. I like the sentiments of the people that have spoken before. I look at this as an opportunity.

You know, in many indigenous cultures they make decisions based on seven generations down the, down the road. And, in 1872, Ulysses S. Grant had the foresight to create the very first national park, Yellowstone, in the world. The very first one in the world, 1872. And, here we are now.

And, I'm not saying Peahi is Yellowstone, but it is also precious and it's something that, you know, seven generations from now, are they going to look back and say okay what did our elders do? And, I'm not calling you old, I'm just saying you're our representatives that we've elected to take care of this for us. So, I just say that this is an opportunity and I would encourage you to purchase this land.

A couple of things though that I, I would like to see in addition to it is let's have a plan for it. Let's not just land bank another piece of land by the County and let it just sit there and grow weeds. Let's maybe, I don't know, in the appropriations you add additional money to make it something. And, I don't know, that's above my pay grade as far as what it could be or not be. But, I think that there's some foresight that maybe we can add into it that, that would also be included.

The other thing that I would like to see is, and, and this may already be out there, but it's just like an actual map. I was a little bit shocked when we purchased Launiupoko cause I asked the Mayor's Office numerous times for a map, and all of a sudden there was 13 lots that were makai of the new bypass that we didn't know about, or at least I didn't know about. So, I'd like to, you know, have it be a clear defined what it is that we're buying and not buying, and have it out, out there.

And, the last thing I'll say, is I think this is also an opportunity for you, the Council, as somebody said earlier, this is a no-brainer, we're buying a park, you know. We're buying beautiful land that everybody wants to do is, let's work with the Mayor. Let's

get the executive and the legislative branch to kind of work together, you know, and not say, okay well we want to take credit, or you want to take credit, or this is mine, or what have you. Yes, the executive branch has to, you know, negotiate this deal. But, I think this is an opportunity for all of us as a community to come together and rally around. And, that's all I have to say about that.

Although, if I could Mr. Chair, since I got a little bit extra time. I saw here on the agenda item, and I haven't read it or anything like that, but your 15-204, if I might just say, I'm all in favor of opening up the Haleakala Trail. I just, for the record, I think that that would be fantastic.

CHAIR WHITE: Okay. Thank you very much.

MR. CARNICELLI: Thanks.

CHAIR WHITE: Members, any need for clarification of his testimony?

Thank you very much, Mr. Carnicelli.

Mr. Clerk.

COUNTY CLERK: Next testifier, Adam Lottig testifying on County Communication 15-203, to be followed by Rodney Kilborn.

MR. ADAM LOTTIG (testifying on County Communication No. 15-203):

Aloha.

CHAIR WHITE: Aloha.

MR. LOTTIG: Thank you for hearing these testimonies. Thank you for being here. I also am speaking in support of more public land access, and creating more open space, and more places for people to experience this place on Maui.

We are products of our environment and I have seen, and I believe that places of great beauty and great connections such as Maui, produce people of great skill and great talent, that have a lot to share like we've seen today.

I had the privilege of working at the new bike park up on, up in Makawao which I've helped develop. And, the last six weeks, me and a couple friends have put on a bike camp for kids. We've had over a 100 kids come and, just anywhere from five to

fifteen years old, teach them how to ride bikes, and teach them to walk around the forest and look around, and it's really amazing seeing kids grow and expand, and get to see new places, and get to experience these times together, sharing and learning.

And, from what I know in my very short time here, this place is changing very fast, and this is a critical moment in setting our direction for the next hundred years, and the next beyond, beyond hundred years; like next seven generations. And, you all are in a very privileged and amazing position to be able to setting, setting that course for us, and for, for the children, and also for this beautiful place that we all love and call home.

So, I would like to support and encourage you in any way that I can in creating more open spaces, and more access to land like you're doing now; in any way that you can in this specific purchase. But also in other ways of working together with the executive office and in acquiring more of these pieces of land that have become available recently. And, using your position and your power to create more, more spaces for the people and not just for the very few people that get to afford to buy these big chunks of land.

Thank you for hearing. Aloha.

CHAIR WHITE: Thank you, Mr. Lottig.

Members, any clarification needed? Seeing none, thank you for being here this morning.

Mr. Clerk.

COUNTY CLERK: Rodney Kilborn testifying on County Communication 15-203, to be followed by Dan Grantham.

MR. RODNEY KILBORN (testifying on County Communication No. 15-203):

Aloha mai kakou to Chair, Mr. White, thank you, to the Councilmember. My name is Rodney Kilborn. I represent Handsome Bugga Production. I also represent, as a person who lives out in Haiku, and my home area.

I support the bill 15-203. Thank you, Councilmember, for helping with the purchase, possible maybe for the land of Peahi out there. Hopeful, hopefully we see that we have a resolution to get the Mayor to come up and purchase with a 10.67 mil, to purchase the land. And, I find that's a, a whole lump sum and I think it's reachable.

Why? That place is precious out there. I've been out there with Mr. Silva, before even Peahi was known. I walked the land from Maliko all the way past to . . . I learned a lot about indigenous plants, Hawaiian plants that lives there. I even got to learn about, that we have a certain grass, that I didn't even think grass was part of our native plants.

But, besides that, most of you know that my interest out there too is that I'm a promoter. I do run surfing events out there. I've done three back in 1996, or '98, I think it was the first. I'm involved with the Wave Surfing League which is WSL, which use to be the ASP. I'm also involved with the Big Wave World Tour, which is also on the, with the WSL. What it is, it's a new thing, that like, what you see in short board surfing at, for example, at the Triple Crown, the Big Wave World Surfing evolution is taking off. They probably be bigger than a short board, eventually.

Why? Because people look to extreme sports and Peahi is known to be one of the vast, biggest wave in the world. And, it's out there. It's out in the media. It's bigger than Waimea Bay. It's bigger than Mavericks. It bigger than Todos Santos. If you guys give this land away, if you don't purchase the land out there, Maui going be lost cause there's a lot of revenue that you can get off of this property there.

How? We get great members that out there, in the community that concern about the land. And, if we form a great strong right people to be in the committee, I think we can put things and pull strings together, to help to get that 10.67 mil. Thank you, before the red light come on.

CHAIR WHITE: Thank you very much, Mr. Kilborn.

Members, any need for clarification?

COUNCILMEMBER COCHRAN: Handsome Bugga. I never knew his name.

MR. KILBORN: Shucks, I knew this was going to happen. I was trying to make an exit. But, go ahead.

CHAIR WHITE: Go ahead, Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you. And, thank you, Rodney for being here today. As a promoter, and I'm curious to understand this, what kind of groups do you bring in if we were able to get an area like that preserved so that not only the public can use it, but we can hold world-class surfing events, as you've just spoken of?

MR. KILBORN: I'm having a problem with this ear here. I woke up with an earache and it's plugged, so, can you repeat the first phase of what you asking?

COUNCILMEMBER VICTORINO: My question was as far, and I'm not speaking really loud today because I've had a bad cold over the last week, so your ear and my voice not connecting.

MR. KILBORN: Oh, we in the same boat? Thank you.

COUNCILMEMBER VICTORINO: You got it. Thank you, Rodney. What kind of revenues do you perceive us receiving for this area once we can make it a world-class area for events that you're referring to, like surfing?

MR. KILBORN: I can tell you this off the bat, when I talk through the WSL about what's happening with this purchasing of the land, I know we can raise easy 50,000 just to, to help with this. When we do run an event, quote, unquote, you're looking easy 200 something, 250,000.

COUNCILMEMBER VICTORINO: Okay. So, this would be revenue? And, that's just indirect, you're not talking all the indirect spending that goes on with these people that come in with housing, and lodging, and, and--

MR. KILBORN: Correct.

COUNCILMEMBER VICTORINO: --and food, and all of the other ancillary services?

MR. KILBORN: That's correct. You can see something like 2.5 mil.

COUNCILMEMBER VICTORINO: Okay. And, finally, Rodney, you spoke of a group of people that are willing to come together and give us some help in planning this area out.

MR. KILBORN: I spoke with Lucienne, Lucille, she's in the conversation through email at this time. It's not a promising thing, but the people that I'm working with, the WSL and Big Wave World Tour, they're very much interested in about saving the place out there as well.

COUNCILMEMBER VICTORINO: Okay. We want to save it for the community first and foremost, but if we can get dual usage and bring revenue to this County and, and promote it like we do with other events, I would have no objection to that.

MR. KILBORN: Yea, can I, can I, can I say something back to you, is that--



COUNCILMEMBER VICTORINO: Go ahead.

MR. KILBORN: --with this type of event, yea, this is something special. And, we bring in big wave surfers from all over the world, the best 24 or 18. They represent all different countries. So, when you bring that, you bring exposure of live coverage.

If you guys recently seen that thing out in South Africa about the shark attack. I mean, that's the same people I, that I working with. But, with that media, it went spiral worldwide and it just draws.

I'm not trying to say expose Maui. But, I'd rather see that we keep Maui open space than seeing construction of houses that you and I not be able to, to purchase. And, even, you take all you guys together, your money won't even buy a house out there.

So, with that said, I'm here for the community first because I am Hawaiian, I am mixed, my heart sits here in Hawaii nei. And, I'll stand behind the people on that first before the events that I do.

COUNCILMEMBER VICTORINO: And, thank you, Rodney. You and I share the same feeling. You, we've talked many times about this.

MR. KILBORN: Yes.

COUNCILMEMBER VICTORINO: And, and I agree, the community first, and whatever else comes after that, it's just gravy on the meat.

MR. KILBORN: That's correct.

COUNCILMEMBER VICTORINO: Thank you, Rodney.

MR. KILBORN: That's correct.

CHAIR WHITE: Ms. Cochran, did you have questions?

COUNCILMEMBER COCHRAN: Yea, thank you, Chair. Actually, a lot of my questions I had was asked by Mr. Victorino. So, I appreciate that. But, Handsome Bugga, always nice to see you.

MR. KILBORN: How you sweetie?

COUNCILMEMBER COCHRAN: And, thank you, thank you for what you, I only knew, I thought that was his name; Handsome and then Bugga was his last name, till he came to testify as Rodney Kilborn.

MR. KILBORN: That's correct.

COUNCILMEMBER COCHRAN: But, I just want, Rodney, I do have a question, cause I think something like this, it's a, quite a chunk for County to come up with, you know, in order to purchase, but it's the management in perpetuity.

MR. KILBORN: Yes.

COUNCILMEMBER COCHRAN: That is going to be even costlier, because it's perpetuity that is forever.

MR. KILBORN: Yes.

COUNCILMEMBER COCHRAN: So, hopefully in your discussions with the WSL and, and all the, the surfing commu, you know the surfing promoters and, and companies, and community together, can come up with something. And, as these tournaments and what have you, revenue generating, you know competitions come about throughout the years that something can be set aside in order to create that plan, the management of the plan in perpetuity.

MR. KILBORN: Yes.

COUNCILMEMBER COCHRAN: Yea, so thank you. Keep that in mind.

MR. KILBORN: Thank you.

COUNCILMEMBER COCHRAN: But, thank you for being here and standing up for the surf and the aina. Mahalo.

MR. KILBORN: You're welcome. Thank you. You're such a great person too.

COUNCILMEMBER COCHRAN: Thank you.

CHAIR WHITE: Members, any further clarification needed? Seeing none--

MR. KILBORN: Can I say on another, if I can go back and say one thing cause--

CHAIR WHITE: No actually, we--

MR. KILBORN: One person talked about cleaning or hard time getting down.

CHAIR WHITE: Mr. Kilborn. Mr. Kilborn, you're only able to answer questions unfortunately.

MR. KILBORN: Okay, I'm sorry.

CHAIR WHITE: And, and, but I want you to know we will be bringing this back up in Committee.

MR. KILBORN: Sure.

CHAIR WHITE: So, that there's going to be a significant amount of review that'll take place, so you'll have many opportunities.

MR. KILBORN: Okay. Right ear, sorry.

CHAIR WHITE: That's all right.

MR. KILBORN: Mahalo.

CHAIR WHITE: Thank you for coming here today.

Mr. Clerk.

COUNTY CLERK: Next testifier Dan Grantham testifying on County Communication No. 15-203 and 204, to be followed by Albert Perez.

MR. DAN GRANTHAM (testifying on County Communication Nos. 15-203 and 15-204):

Good morning, Council.

CHAIR WHITE: Good morning.

MR. GRANTHAM: Thank you for that wonderful ceremony this morning.

Also, thanks for having the vision to start this public purchase in the window of opportunity before these coastal lands head down the road of more expensive exclusive north shore estates, following the examples of Manawai and Holokai. Even if the lands are sold as large ag lots, we can be pretty sure they will be re-subdivided

because that's where the money is. You may say it won't happen, but we've seen it before. So, look ahead 20 years.

Apparently, the Mayor has expressed some skepticism about the willingness and desire of community groups to make good use of public land along the coast. As a board member of the Haiku Community Association, we've been surprised by how quickly different groups have come forward to express their interest and enthusiasm for this opportunity, which is only a few weeks old.

For example, the Hawaii Farmer's Union United, which proposes to increase our independence by growing food for Maui and creating a learning center teaching farmers how to grow healthy soil that does not require expensive and sometimes toxic chemicals to farm. These practices are doubly important along the coastline where the aquifer cap is thin. If you're curious about them, come to their monthly meeting next Tuesday, 6 p.m., at the Haiku Community Center.

We've also heard from families, clubs, teachers, and others how important it would be to have a chance to go and appreciate nature, whether it's hiking, horse riding, biking, surfing, fishing, motorcycling, camping, exploring, gardening, growing fruit and shade trees, making trails, playing, or just relaxing. Local Hawaiian cultural practitioners are very interested in being able to practice and teach in an area with a long history of Hawaiian fishing and farming.

We have models of how non-profit ownership relieves the County of liability for recreational activities. This process has just begun. Let's encourage it to take root and protect the land before it is overrun by more alien invasive gentleman's estates. Please pass a resolution asking the Mayor to present a budget amendment to fund the remaining cost of the Kuiaha-Peahi land purchase.

I think that we can learn from the, what happened in Launiupoko or Makena. We started out, we put some ante on the table and then we came up with the other money. And, there are ways to do that. There's ways to pass bonds, there's, there's ways to do independent fundraising, matching funds. There are a lot of people that really want to see this happen. And, I appreciate that you guys have taken a lead on this. This is really significant to the people of Maui as you've heard.

And, I also have some comments on 204, unless there's any questions on what I've said here.

CHAIR WHITE: Please proceed with that testimony, and then we'll have questions if, if there are any.

MR. GRANTHAM: Yea. In 204, largely regarding a letter Dave Brown sent to you, asking support in getting the Haleakala Trail put on the State and the National Historic Registers. He came to our Sierra Club board meeting a while back and explained the process. And, the board voted unanimously to support getting, doing what it could to help getting the, the trail registered, which through SHPDA and through the National Historic Register.

And, I realize that you're not, what you're trying to do with this agenda item is figure out which committee to process this through. But, I just, again, wanted to let you know that there is a lot of support in the community for this trail. And, you may hear more on this from the community. So, thank you.

CHAIR WHITE: Thank you, Mr. Grantham.

Members, any need for clarification of Mr. Grantham's testimony? Seeing none, thank you for being here this morning.

MR. GRANTHAM: You're welcome.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Albert Perez testifying on County Communication 15-203, to be followed by Alex Haller.

MR. ALBERT PEREZ, MAUI TOMORROW (testifying on County Communication No. 15-203):

Good morning, Chair White, Members of the Council.

CHAIR WHITE: Good morning.

MR. PEREZ: I'm Albert Perez, I'm Executive Director of Maui Tomorrow, and I'm testifying in support of the purchase of the Haiku Sugar East Subdivision lands, County Communication 15-203.

One of the goals of the Paia-Haiku Community Plan is to acquire "quality recreational facilities to meet present and future needs of all ages and physical ability, with emphasis on securing shorefront lands". So, at the time that that plan was written, I don't think that they anticipated that the area would have gone out of pineapple production, but that's what's happened, and we need to be flexible and seize opportunities when they arise.

We have existing recreational lands on Maui that are already heavily utilized. And, as our population grows, the need for these lands will increase, and critical shoreline lands will only become more expensive. Shoreline access along this particular shore is already limited, so, the time to act is now.

We appreciate the fact that the Council put in \$3 million in the budget to start the ball rolling, and we're urging Councilmembers to do whatever it takes to secure this area.

And, just sitting here listening to some of the testimony, I got some ideas. Maybe you've already considered these. I found it intriguing that there could be events here that would generate an ongoing income stream. And, I don't know exactly how this works. I have to investigate it more. But, maybe that could support bonds for purchase of the land over the long-term. We could work with land trusts to come up with the balance of the money. Or, maybe you wouldn't have to do a fee simple purchase. Maybe you could do a conservation easement in, or some combination of these ideas.

I also don't know, I know that you have a plan for capital improvements. And, I don't know if you have a plan for open-space acquisition over the long-term, because it would be much more economical and a lot easier on the County if we were to have, if we were able to buy, if we were able to purchase these lands before they come up in demand and before their prices go high. So, if there is some kind of a plan like that, then I think that's great. If not, maybe we can help develop one.

Anyway, we are ready to work together with people on a management strategy, but we need to make sure that this opportunity is not lost. So, thank you very much.

CHAIR WHITE: Thank you, Mr. Perez.

Members, any need for clarification? Seeing none, thank you for your testimony this morning.

Mr. Clerk.

COUNTY CLERK: Alex Haller testifying on County Communication 15-203, to be followed by Lucienne deNaie.

*(Councilmember Victorino was excused from the meeting at 10:26 a.m.)*

MR. ALEX HALLER (testifying on County Communication No. 15-203):

Good morning, Chair.

CHAIR WHITE: Good morning.

MR. HALLER: County Council, Members of the public. My name is Alex Haller and like many people in this room, I'm born and raised in Maui, in Haiku, on East Kuiaha. So, this land that's up for sale, I've driven past this property every day for my whole life. I feel that if, if I, if I didn't come down to the chambers to testify in support of purchasing it, I would always, I would have a hard time working past that.

And, some of the thousands of, of children in Haiku and on Maui, their earliest childhood memories are driving down the road to Jaws. And, if this were, if this property were sold to a private individual, it would be, it would be a sad day because we wouldn't be able to fulfill that other generations would have that, have those memories of watching the, the biggest waves in the world.

Yesterday, I saw a USGS map dated back to 1925, and a lot of those roads down in the old pineapple fields, they were marked on historical maps, and they were put in deeds to be protected and preserved. And, I looked at the new County subdivision map, and none of those old historical roads were called out in it. So, if, if those roads were open to the public, it would, it would increase the amount of access to those lands.

Because, growing up in that area, for the most part you only, you only see that parcel five to eight seconds on your drive. Most of it is restricted just because there's no access to it. So, if, if those roads were opened back up, instead of having five to eight seconds every day, you can have five to eight minutes driving down there. And, that's one of the most beautiful coastlines on the island, and sadly, the access to it isn't as easy as it could be.

So, I support this purchase. And, I also support protecting the old historical roads. Thank you.

CHAIR WHITE: Thank you, Mr. Haller.

Members, any need for clarification of Mr. Haller's testimony? Seeing none, thank you for being here this morning.

Mr. Clerk.

COUNTY CLERK: Lucienne deNaie testifying on County Communication No. 15-203 and 15-204, to be followed by Paul Solomon

*(Councilmember Victorino returned to the meeting at 10:29 a.m.)*

MS. LUCIENNE DENAIE (testifying on County Communication Nos. 15-203 and 15-204):

Aloha, Council Chair White.

CHAIR WHITE: Aloha.

MS. DENAIE: And Councilmembers. My name is Lucienne deNaie. I'm going to address item 204. This is the Haleakala Trail, the request, I guess from Dr. Brown, is being sent to the Council to be referred to a Committee. Very strongly urge you to refer this to a Committee who can following through with a resolution supporting the listing of this important historical resource.

It has now been proven through a jury trial that the trail is in public ownership. The trail is the same place where Hawaiian ali'i walked, where Mark Twain wrote of his experiences hiking up to Haleakala, where Jack London sent home letters about his experiences walking to the crater. It's really an asset to our community. It's a beautiful place.

It does run through private land, but many trails through, throughout the nation and even, I was just reading about the Hapapa Trail in Kauai, they run through private land but they're managed as a public trail and so there will be a way to do this. But, the fact that it is located surrounded by private land, does not mean it should not be listed as to its historical importance.

The trail was funded by public funds. This is what the trial proved. There was an expenditure of public funds to realign it at the turn of the century. It is a historic trail. And, all you're being asked is to just do a simple resolution. I think Dr. David Brown would be willing to help you folks with the background information for that to send to our State historic people, just to say Maui County would love to see them proceed with listing that as a, registering it as a State Historic Register Trail. And then, also supporting the resolution to the, the Federal side of things to support it as a National Historic Trail. It certainly qualifies to be both.



So, thank you for your support of both of these things. I know you have many things on your agenda, but this is a chance to really speak to our local history and say how proud we are of it. Maui no ka oi.

I will switch gears now to item 23, 23, 203, which is the reference to the Mayor's letter about the potential purchase of north shore land, four lots, 267 acres from Kuiaha to Peahi, or Jaws.

I am speaking today on behalf of the Haiku Community Association. I am President of that association. And, our association very, very strongly supports this becoming our new heart of Haiku. It is a place as, as you've heard from others, it has a deep connection to people for generations in our community; from Kuiaha Bay which is not included in the purchase, but we would hope would be in the Mayor's discussions, all the way to Peahi Point which people, you know, refer to as the Jaws area. This is a place where we have heard from so many people in our community; that it is important for their families, for their personal recreation, for traditional and cultural gathering, and for just a sense of, of peace.

Now that there are a few trails open, it's very easy to walk there. I was there yesterday morning with Stan Franco who was showing me where his dad use to fish, Deacon Franco.

They Mayor's letter, which I'm sure you've all read, in summary says, gee, you're asking us to negotiate for four parcels and you put in enough money for maybe one or one and a half, you know. Tell us what you want us to do. My suggestion would be, and I think the suggestion you're hearing from the community, is that we all know that this is how things go with these kind of purchases. Launiupoko had three million in the budget, but that was not its purchase price. It's purchase price was 13 million. Honolua had one million in the budget, it's purchase price was 22 million. We put these funds in and then we urge the Mayor to start negotiating, plus we look for the other sources of funds even if it takes time. But, we secure the commitment from the landowner, who I'm sure wants to be a good citizen here.

And, there are three lots that are contiguous that are, are priced at about six point, I don't know, four or five million dollars. And, then there is a separate lot that is the ones who Peahi, that is 182 acres that's priced at \$4 million. I would urge that you look at those three contiguous lots because I think they going to have the most development pressures. They're cutting down trees on the most oceanfront lot right now. And, this leads to me to believe that maybe that's for more real estate pictures to be taken.

I would like to say that the community association supports this land purchase because it meets all of the goals of this fund, the Open Space, Natural Resources, Cultural Resources, and Scenic Resources Fund. This property qualifies in all four of those categories. There are many community organizations that are also supporting this. They include the Aha Moku Councils, the Waiekena Foundation, and the Maui Bicycling League, Kihei Charter School, North Shore Campus is very interested, Surfrider Foundation, Sierra Club, the Doorway Into Light Foundation, Maui Tomorrow, Hawaiian Islands Land Trust, of course Handsome Bugga, plus--

CHAIR WHITE: Ms.--

MS. DENAIE: --people from local schools. Yes.

CHAIR WHITE: Thank you. If you could provide--

MS. DENAIE: Are we at four minutes?

CHAIR WHITE: --yea, if you could provide us a concluding remark please.

MS. DENAIE: Okay. So, I respectfully ask that you pass a resolution letting the Mayor know that you're open to him putting a budget amendment in so the money can be found to purchase this land. Mahalo.

CHAIR WHITE: Thank you.

Members, any need for clarification of Ms. deNaie's testimony? Seeing none, thank you very much for being here this morning.

Mr. Clerk.

COUNTY CLERK: Paul Solomon testifying on County Communication No. 15-203.

MR. PAUL SOLOMON (testifying on County Communication No. 15-203):

Aloha, Council Chairman White and Councilmembers.

CHAIR WHITE: Aloha.

MR. SOLOMON: I'm here in support of the purchase of this land in its entirety. Most people have already spoken a lot of what I wanted to say. But, I live in Haiku, over on West Kuiaha. And, I want to say that this place, and everybody talks about it, is such a special place; the land, the views, Jaws, the history.

And, so, I do support finding a way to purchase this. I would support, there's a lot of uses for this land, possibly. We could use it for growing food for our community, for outdoor recreation. Again, there's cultural sites that we could have access to here on the island. I would ask that, since two of the lots have already been sold, that I would ask the Council to move quickly on asking the Mayor to start negotiations so we don't lose these precious lands.

And, I would also ask that maybe we want to do an independent assessment to see what, and do that fairly quickly, to see actually what the assessed price is. I know that the price that A&B asked is their assessment. But, I would ask just fiscally that we, we get that assessment so we can negotiate properly.

I just also want to quickly say that, in terms of 15-204, I do support the listing of the Haleakala Trail.

And, again, I want to thank the Council for bringing this up. And, you know, as again, my concern is that we preserve the specialness that is Maui. I don't want to see Maui become the next Oahu in terms of overdevelopment. We have something very special here that all of us who live here really love. And, that people come here, they come here to, because of the beauty and the specialness of this place. And, we need to look down the road.

I've talked to people who have lived here 20, 30, 40 years, and we see how much has developed and how much has been lost. And, if we can really look now, where do we want this place to be in 5 years, 10 years, 20 years, 30 years, for our next seven generations? Because development can happen very, very quickly and we can't undo it once it's done. Once it's lost, it's lost.

So, I hope we can all find a way to work together to develop in a way that provides all of us what we need and preserve the specialness of this place. Mahalo for your time.

CHAIR WHITE: Thank you, Mr. Solomon.

Any need for clarification, Members? Seeing none, thank you for your testimony this morning.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, there is no further individuals signed up to testify in the Council chamber. If there is any additional individuals in the chamber or at the District Offices that would like to offer testimony, please identify yourself to the appropriate staff and proceed to the testimony lectern or District Office phone at this time.

CHAIR WHITE: Please proceed.

MS. KATHY KAOHU (testifying on County Communication No. 15-203):

Aloha kakou. My name is Kathy Kaohu and I'm before you today to speak on County Communication 15-203, transmitted by Mayor Arakawa, concerning the FY16 Budget Open Space Fund line item for the acquisition of Kuiaha coastal lands within the District of Hamakualoa.

I'm a County employee, but I'm taking vacation time to speak with you in my capacity as a individual. As a board member of the Waiekenena Foundation and the supporter of the Waiekenena Project, an organization and project dedicated for the past 18 years to cultural education and learning, skill building, and farming of traditional food crops and traditional utility plants in this specific area. The name Waiekenena is the name of the three terrace heiau located on Lots 4 and 5, at a place referred to as Hanapopolo. A place name that hasn't been used in a very long time.

First, I greatly want to mahalo the Council for having the vision, desire, and commitment to the preservation of Maui Nui's open space, both mauka and makai, agriculture lands, and our treasured and significant cultural landscapes and features.

Second, I'd like to thank Mayor Arakawa for initiating contact with the landowner to better understand the current status of the lots referenced in the line item. Mayor Arakawa is now asking this body for its intent regarding this line item, i.e., a clear and define public purpose for the expenditure of public funds.

Over the past six years, I've spent an intensive amount of quality time, volunteering, observing, learning, sharing, and teaching in the areas; specifically of Lots 2 through 5.

I support the points raised in the testimony of Mr. Smith; however, this is the Council's proposal and the Mayor is requesting direction on your proposal. At this juncture, as it relates to the communication, quite simply, I'm requesting a couple of things based on my understanding of the various circumstances of the individual lots.

I would recommend looking primarily and intensely at Lots 4, 5, then 3 in that order. These lots are the more likely lots to be purchased and privatized first. I like, I'd like to, I like the suggestion of a phasing, looking at the large lots on both the east and west sides of Lots 4, 5, and 3.

I also suggest this communication be jointly referred to both the Budget and Finance Committee, as well as the Economic Development, Energy, Ag and Recreation Committee, so the budgetary aspects and open space ag and recreation aspects can receive the attention and discussion it deserves.

Once again, time is of the essence. These lots are still on the open market. And, as our honored Kumu Hula reminded us this morning, please let us keep this place that still exists. Mahalo.

CHAIR WHITE: Thank you.

Members, any need for clarification?

COUNCILMEMBER VICTORINO: Chair, Chair.

CHAIR WHITE: Seeing none, thank you very--

MS. KAOHU: Thank you.

CHAIR WHITE: Oh, I'm sorry, Mr. Victorino.

COUNCILMEMBER VICTORINO: Yea, Ms. Kaohu, your group is one of the groups that are working together with Lucienne, as far as developing a management plan in the future. Would you, would you be one of those groups?

MS. KAOHU: Yes, we would be.

COUNCILMEMBER VICTORINO: Okay, thank you, Mr., oh.

MS. KAOHU: Just to clarify, a lot of people are familiar with Alex Bode's programs and projects there.

COUNCILMEMBER VICTORINO: Yes.

MS. KAOHU: He is still responsible for the upkeep of the heiau, the management and upkeep of the heiau. But, they, A&B has relocated him to another Pauwela side for his farming programs. So, it's not, yea, so it's just the heiau.

COUNCILMEMBER VICTORINO: So, you're saying no one is taking care of the heiau now?

MS. KAOHU: He, it's still under a lease for him to manage the heiau, but he's relocated to another area for the farming side.

COUNCILMEMBER VICTORINO: Okay, thank you. Thank you, Mr. Chair.

CHAIR WHITE: Any further discussion, Members? Seeing none--

MS. KAOHU: Thank you.

CHAIR WHITE: Oh, I'm sorry, Mr. Couch.

COUNCILMEMBER COUCH: Thank you. Thank you, Mr. Chair. And, thank you Ms. Kaohu for being here. And, you know, you spread your thanks around to everybody, I just wanted to say thank you for actually bringing this to the attention to your boss and getting it to us at the Council. Without that, I don't know where it would've gone. So, thank you for your initiative on that.

MS. KAOHU: It's a kakou thing, yea. Thank you.

CHAIR WHITE: Thank you.

Mr. Clerk.

COUNTY CLERK: Hana Office, are there any additional testifiers?

MS. LONO: The Hana Office has no one waiting to testify.

COUNTY CLERK: Lanai Office, are there any additional testifiers?

MS. FERNANDEZ: There is no one waiting to testify on Lanai.

COUNTY CLERK: Molokai Office, are there any additional testifiers?

MS. THOMPSON: There is no one waiting to testify at the Molokai Office.

COUNTY CLERK: Mr. Chair, there are no additional individuals in the District Offices nor the chamber who wish to offer testimony.

CHAIR WHITE: Thank you, Mr. Clerk.

I see that we have received testimony. Members, without objection we'll ask the Clerk to enter the testimony for the record?

MEMBERS VOICED NO OBJECTION.

THERE BEING NO OBJECTION, WRITTEN TESTIMONY  
RECEIVED FROM THE FOLLOWING WERE MADE A PART  
OF THE RECORD OF THIS MEETING:

1. Jim Smith;
2. Albert Perez;
3. Alex Haller;
4. Paul Solomon;
5. William Greenleaf, Greenleaf Farms;
6. Susan Douglas;
7. Judy Levy;
8. Gregg Blue;
9. Gary Passon;
10. Kate Holdsworth;
11. Christel and John Blumer-Buell;
12. Mike Foley;
13. Joseph Kohn MD;
14. Lila Sherman;
15. Kapulani Antonio;
16. Donna Barata;
17. Karen Comcowich;
18. David Darling;
19. Steven Forman;
20. Bill Knowlton;
21. Cathy Knowlton;
22. Dominick Marino;
23. Shane Santos; and
24. Marvin Kalani Miles.

CHAIR WHITE: So, ordered. And, without objection, we'll close public testimony.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. Public testimony is closed. And, we will take a ten minute break. Please be back here at five minutes to eleven. We're in recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:45 A.M., AND WAS RECONVENED AT 10:56 A.M., WITH ALL MEMBERS PRESENT, EXCEPT COUNCILMEMBER CARROLL AND VICE-CHAIR GUZMAN, EXCUSED.)

CHAIR WHITE: This meeting of the Council of the County of Maui will come back to order. And Members we'll proceed with the remainder of our agenda.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, proceeding with minutes.

### MINUTES

The minutes of the Council of the County of Maui's public hearing of May 26, 2015, was presented at this time.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO:

CHAIR, I MOVE THAT THE MINUTES OF THE MAY 26, 2015,  
BE APPROVED.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion from Mr. Victorino and a second from Mr. Couch.

Mr. Victorino.

COUNCILMEMBER VICTORINO: No discussion, Chair.

CHAIR WHITE: No discussion. Any discussion, Members, on the minutes? Seeing none, all those in favor please signify by saying "aye".



AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH,  
CRIVELLO, HOKAMA, VICTORINO, AND  
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CARROLL AND  
VICE-CHAIR GUZMAN.

CHAIR WHITE: Measure passes with seven "ayes" and no "noes", two "excused";  
Mr.'s Carroll and Guzman.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, proceeding with committee reports.

### COMMITTEE REPORTS

#### COMMITTEE REPORT

NO. 15-72 - BUDGET AND FINANCE COMMITTEE:

Recommending that Contract C5666, between the County of Maui and Cornerstone Environmental Group, LLC for landfill-related professional services for the Department of Environmental Management, Solid Waste Division, be FILED.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, with no objections from you or the Members, I would request the Clerk bring up Committee Report 15-73, also.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: No objections. So ordered.

Mr. Clerk.

COMMITTEE REPORT

NO. 15-73 - BUDGET AND FINANCE COMMITTEE:

Recommending that Contract C5742, between the County of Maui and A-Mehr Incorporation for professional services for preparation of closure and post-closure maintenance plans for the Waikapu, Olowalu, Makani, and Kalamaula closed landfills for the Department of Environmental Management, Solid Waste Division, be FILED.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT COMMITTEE REPORTS 15-72  
AND 15-73, WITH ITS RECOMMENDATIONS, BE ADOPTED.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Mr. Hokama and a second from Mr. Victorino.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, your Committee continued its work from the budget process. And, with this we had a conversation with the Department of Environmental Management, Solid Waste Division, regarding some concerns we've had regarding use of operational funds for capital improvement costs.

After the meeting, your Committee was satisfied that the Division is working on a path that will alleviate this issue between the, the Council and the Division. And, I recommend filing of both committee reports, adoption of both committee reports. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

Members, any further discussion on these items? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH,  
CRIVELLO, HOKAMA, VICTORINO, AND  
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CARROLL AND  
VICE-CHAIR GUZMAN.

CHAIR WHITE: Measure passes with seven "ayes", zero "noes", and the same two "excused".

Mr. Clerk.

COMMITTEE REPORT

NO. 15-74 - BUDGET AND FINANCE COMMITTEE:

Recommending that Resolution 15-77, entitled "AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM", be ADOPTED.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT COMMITTEE REPORT 15-74,  
AND ITS RECOMMENDATIONS, BE ADOPTED.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Mr. Hokama with a second from Mr. Victorino.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, your Committee, let me say, it was a interesting process for your Committee regarding this year's Department of Housing and Urban Development Block Grant, under CDBG. I can report that we are pleased with the improvements and, of communication as well as cooperation under the new Administrator of Mr. Pontanilla.

We heard testimony this morning about whether or not it's worth for the County to go after this 1.7 million. And, it is worthy discussion. I believe even the Committee had a sense of whether or not it was worth it for us to continue to go down the same path, or adjust our priorities and way we prefer to do this process in the future, Chairman.

Mr. Pontanilla did work with us. I believe we had Ms. Crivello participate in a advisory capacity, which is something City and County of Honolulu does with their process. And so, this morning, I am going to ask the Members to support this because of the improvements that Mr. Pontanilla has initiated. And, we thank the Council and advice of Ms. Hayashi assisting the Committee, as well as the Office of Community Development Block Grants.

One thing I can say that the Committee is proud of, is that it seems to be now more community-based as the word Community Development Block Grant means. And, it is not a county development block grant to fund County departments for equipment needs.

So, I think we going back to the purpose of the intent of why these funds are made available. It's for our community organizations to move forward and help our communities go within their parameters of use within these Federal dollars. So, thank you so much, Chairman.

CHAIR WHITE: Members, any further discussion on the measure?

The Chair will just add that, I think there is reason for us to be pleased with the direction that the Department seems to be moving in. However, I, unlike Mr. Hokama, I don't believe we should be spending a significant amount of money on County equipment. I think it, it is funds that should be made available to many of the non-profits that, that continue to struggle to provide the necessary services for our community.

So, with that, any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH,  
CRIVELLO, HOKAMA, AND VICTORINO.

CHAIR WHITE: Those opposed say "no".

NOES: CHAIR WHITE.

EXCUSED: COUNCILMEMBER CARROLL AND  
VICE-CHAIR GUZMAN.

CHAIR WHITE: Measure passes with six "ayes", and one "no", and two "excused".

COUNCILMEMBER HOKAMA: Thank you for that symbolic gesture, Chair.

CHAIR WHITE: Some symbolic gestures are necessary from time to time.

COUNCILMEMBER HOKAMA: Understood, sir.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Mr. Chair, for the record, RESOLUTION NO. 15-77.

COMMITTEE REPORT

NO. 15-75 - COMMITTEE OF THE WHOLE:

Recommending that Resolution 15-78, entitled "AUTHORIZING SETTLEMENT OF COULSON JOY V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 7-11-01426," be ADOPTED.

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATION IN  
COMMITTEE OF THE WHOLE COMMITTEE REPORT 15-75.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion from Ms. Crivello and a second from Mr. Couch.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

COUNCILMEMBER CRIVELLO: On June 30, 2015, your Committee met to consider a proposed resolution to authorize the Department of the Corporation Counsel to settle Coulson Joy v. County of Maui, Disability Compensation Division Case 7-11-01426.

A Deputy Counsel explained the case involves a workers' compensation claim brought by Coulson Joy, a recruit with the Department of Police. According to the Deputy, Mr. Joy was injured during an arrest and defense tactic training exercise on August 2, 2011.

Following an executive meeting, your Committee voted 8-0 to recommend adoption of the proposed resolution to authorize the settlement of the matter under the terms proposed in the executive meeting.

I ask for the Council's support of your Committee's recommendation. Thank you, Chair.

CHAIR WHITE: Thank you.

Members, any further discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH,  
CRIVELLO, HOKAMA, VICTORINO, AND  
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CARROLL AND  
VICE-CHAIR GUZMAN.

CHAIR WHITE: Measure passes with seven "ayes" and two "excused".

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION NO. 15-78.

COMMITTEE REPORT

NO. 15-76 - COMMITTEE OF THE WHOLE:

Recommending that Resolution 15-79, entitled "AUTHORIZING SETTLEMENT OF IN THE MATTER OF THE GRIEVANCE ARBITRATION BETWEEN STATE OF HAWAII ORGANIZATION OF POLICE OFFICERS, ON BEHALF OF MARVIN KALANI MILES AND COUNTY OF MAUI, MAUI POLICE DEPARTMENT, SHOPO CASE NO. M-2012-004; AND OF MARVIN KALANI MILES VS. MAUI POLICE CHIEF GARY YABUTA, ET AL., CIVIL NO. 14-1-0345(2)," be ADOPTED.

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATION IN  
COMMITTEE OF THE WHOLE COMMITTEE REPORT 15-76.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion from Ms. Crivello and a second by Mr. Couch.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: On July 6, 2015, your Committee met to consider a proposed resolution to authorize the Department of the Corporation Counsel to settle two matters: 1) In the Matter of the Grievance Arbitration Between State of Hawaii Organization of Police Officers, on Behalf of Marvin Kalani Miles, and County of Maui, Maui Police Department, SHOPO Case M-2012-004; and 2) Marvin Kalani Miles v. Maui Police Chief Gary Yabuta, et al., Civil 14-1-0345(2).

The Circuit Court complaint alleges general and special damages related to Marvin Kalani Miles' termination of employment with the Department of Police on May 31, 2012.

A Deputy Corporation Counsel provided a brief overview of the cases.

Following an executive meeting your Committee voted 6-2 to recommend adoption of the proposed resolution to authorize the settlement of the cases under the terms proposed in an executive meeting.

I ask for the Council's support of your Committee's recommendation. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Crivello.

Members, any further discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH,  
CRIVELLO, HOKAMA, VICTORINO, AND  
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CARROLL AND  
VICE-CHAIR GUZMAN.

CHAIR WHITE: Measure passes with seven "ayes" and two "excused".

Mr. Clerk.

COMMITTEE REPORT

NO. 15-77 - COMMITTEE OF THE WHOLE:

Recommending that Resolution 15-80, entitled "AUTHORIZING SETTLEMENT OF COUNTY OF MAUI V. MICHAEL BASKIN, ET AL., CONSOLIDATED APPEALS BVAA 2014-0008; SEASHORE PROPERTIES, LLC, ET AL. V. RHONDA I.L. LOO, SCPW-14-0000773; COUNTY OF MAUI V. SEASHORE PROPERTIES, LLC, ET AL., CIVIL NO. 14-1-0064(1); AND MICHAEL BASKIN, ET AL. V. COUNTY OF MAUI, CIVIL NO. 14-1-00194 LEK-KSC," be ADOPTED.

CHAIR WHITE: Ms. Crivello.



COUNCILMEMBER CRIVELLO: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATION IN  
COMMITTEE OF THE WHOLE COMMITTEE REPORT 15-77.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion from Ms. Crivello and a second from Mr. Couch.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. On July 7, 2015, your Committee met to consider a proposed resolution to authorize the Department of the Corporation Counsel to settle the following matters: 1) County of Maui v. Michael Baskin, et al., Consolidated Appeals BVAA 2014-0008; 2) Seashore Properties, LLC, et al. v. Rhonda I.L. Loo, SCPW-14-0000773; 3) County of Maui v. Seashore Properties, LLC, et al., Civil 14-1-0041(1) and; 4) Michael Baskin et al., v. County of Maui, Civil 14-1-00194 LEK-KSC.

The Corporation Counsel said an in-depth confidential mediation process had been conducted on these cases.

A Deputy Corporation Counsel provided an overview of the cases. The Deputy explained the litigation stems from the issuance of multiple notices of violation by the Department of Planning and Public Works, related to five properties that are located close to each other in Downtown Paia. The properties are on the makai side of Hana Highway between Baldwin Beach Park and the intersection of Hana Highway and Baldwin Avenue.

The Deputy explained that in November 2013, a notice of violation relating to a parking lot at 75 Hana Highway and a notice of violation related to the Paia Inn at 93 Hana Highway were issued. A second set of notices of violation was issued to Mr. Baskin and his affiliates on three properties permitted as short-term rental homes, located at 40 Ae Place, 95B Hana Highway, and 23 Nalu Place. The notices of violation included the failure to obtain Special Management Area determinations for minor structures, construction at the properties without appropriate permits, and setback issues.

The Deputy outlined the posture of the cases, noting that a stay issued by the Hawaii Supreme Court has allowed the short-term rental homes to continue to operate.

Following an executive meeting, your Committee voted 5-0 to recommend adoption of the proposed resolution to authorize the settlement of the cases under the terms proposed in an executive meeting.

I ask for the Council's support of your Committee's recommendation. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Crivello.

Discussion, Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And, in light of our discussion we had yesterday in my Committee about enforcement and whatnot, just to put it out there to all those who are contemplating or doing illegal vacation rentals. When you hear the results of this settlement, you'll know that we are enforcing and enforcing very heavily. So, I just put the notice out there to those that think that they can get away with stuff. Thank you.

CHAIR WHITE: Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH,  
CRIVELLO, HOKAMA, VICTORINO, AND  
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CARROLL AND  
VICE-CHAIR GUZMAN.

CHAIR WHITE: Measure passes with seven "ayes" and two "excused".

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 15-80.

COMMITTEE REPORT

NO. 15-78 - COMMITTEE OF THE WHOLE:

Recommending the following:

1. That Resolution 15-81, entitled "AUTHORIZING SETTLEMENT OF TREMAINE BALBERDI V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 5-14-00322," be ADOPTED;
2. That Resolution 15-82, entitled "AUTHORIZING SETTLEMENT OF JAMES A.Q. GIROUX V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 5-14-00345," be ADOPTED;
3. That Resolution 15-83, entitled "AUTHORIZING SETTLEMENT OF KATHLEEN KERN V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 5-14-00330", be ADOPTED;
4. That Resolution 15-84, entitled "AUTHORIZING SETTLEMENT OF MARK A. KING V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 5-14-00348," be ADOPTED; and
5. That Resolution 15-85, entitled "AUTHORIZING SETTLEMENT OF DOUGLAS MILLER V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 5-14-00526," be ADOPTED.

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN  
COMMITTEE OF THE WHOLE COMMITTEE REPORT 15-78.

COUNCILMEMBER COUCH.

SECOND.

CHAIR WHITE: We have a motion from Ms. Crivello and a second from Mr. Couch.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank, thank you, Chair. On July 7, 2015, and July 16, 2015, your Committee met to consider the possible settlement of five claims alleging work-related injuries sustained as a result of an air crash on Lanai, Maui, Hawaii, on February 26, 2014.

The claims were each separately asserted by Tremaine Balberdi, James A.Q. Giroux, Kathleen Kern, Mark A. King, and Douglas Miller.

Four of the five claimants were employees of the Department of Planning at the time of the incident. The fifth claimant, James Giroux, was an employee of the Department of the Corporation Counsel. All five individuals were on Lanai to staff a Lanai Planning Commission meeting and were returning to Maui aboard a Maui Air plane when the incident occurred.

Following an executive meeting, your Committee voted 5-2, to recommend an adoption of the five proposed resolutions to authorize the settlement of the claims under the terms proposed in an executive meeting.

I ask for the Council's support of your Committee's recommendation. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Crivello.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And, you know, being the, one of the ones that voted no on this, I will go with the Committee's recommendations with reservations. I, it's, it's not that I don't want a settlement, it's, I just think a potentially different and can't say much more after that.

You heard all my reservations in the Committee meeting for those that were there. So, but, I will support the Committee's decision with, with the reservations that I spoke in executive session. Thank you.

CHAIR WHITE: Thank you.

Ms. Baisa.

COUNCILMEMBER BAISA: Mr. Chair, I guess today is the day for symbolic votes. You know, everybody heard what I had to say in executive session. This has been a very difficult matter. And, I'm sorry, I, I think the Committee tried very hard but I wanted something else. And, so I will be voting no.

CHAIR WHITE: Thank you, Ms. Baisa.

Any further comments?

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Chair. And, many, many of our views and our concerns were expressed in executive session. So, you know, mine and I wish we could say it publicly but we can't. But, I will say it this way, it was very arduous, it was very heart wrenching to make these decisions.

These are people we all know, worked with, but more importantly, were serving the people of Maui County. Some lost their lives, some have their lives altered forever; physically and emotionally. So, I, I hope, and I will support the Committee's report, primarily because I feel this will help in some of the areas, in some of the cases for some closure. It's difficult. Closure comes in different ways to different people at different times. For me, this is a first step in helping those families get closure. Thank you, Mr. Chair.

CHAIR WHITE: Thank you, Mr. Victorino.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS COCHRAN, COUCH,  
CRIVELLO, HOKAMA, VICTORINO, AND  
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: COUNCILMEMBER BAISA.

EXCUSED: COUNCILMEMBER CARROLL AND  
VICE-CHAIR GUZMAN.

CHAIR WHITE: Measure passes with six "ayes", one "no", and two "excused".

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION NOS. 15-81, 15-82, 15-83, 15-84, and 15-85, respectively.

COMMITTEE REPORT

NO. 15-79 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending that County Communication 15-48, from the Director of Environmental Management, transmitting a copy of "COUNTY OF MAUI, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, WASTEWATER RECLAMATION DIVISION, USEPA/DOH CONSENT DECREE, QUARTERLY PROGRESS REPORT #62, OCTOBER 2014 THROUGH DECEMBER 2014", be FILED.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN  
COMMITTEE REPORT 15-79.

COUNCILMEMBER HOKAMA:

SECOND.

COUNCILMEMBER VICTORINO: Second, Mr. Chair.

CHAIR WHITE: We have a motion from Ms. Cochran and a second from Mr. Hokama.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. I'm really happy to be announcing this. Your Committee met on June 29, 2015, to discuss the 62nd Quarterly Progress Report for the County of Maui Department of Environmental Management, Wastewater Reclamation Division, USEPA/DOH Consent Decree.

In the late 1990s, United States Environmental Protection Agency and the State Department of Health sued the County for alleged violations of the Clean Water Act and other State and Federal environmental laws arising out of the County's wastewater practice. Pursuant to the lawsuits on November 8, 1999, a Consent Decree was entered in the United States District Court for the District of Hawaii, that established goals and plans to change the County's wastewater practices.

The Director of Environmental Management informed your Committee the court terminated the Consent Decree on May 26, 2015, because the County has implemented sufficient measures to ensure compliance with the Clean Water Act and other Federal and State laws.

So, with that, I appreciate all the work of the Department throughout the years. And your Committee commended the Department, also, in fulfilling this Consent Decree's terms, and recommends filing of the county communication. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Cochran.

Members, is there any other discussion for this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH,  
CRIVELLO, HOKAMA, VICTORINO, AND  
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CARROLL AND  
VICE-CHAIR GUZMAN.

CHAIR WHITE: Measure passes with seven "ayes" and two "excused".

Mr. Clerk.

#### COMMITTEE REPORT

NO. 15-80 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT  
COMMITTEE:

Recommending the following:

1. That Resolution 15-86, entitled "AUTHORIZING THE ACCEPTANCE OF REMNANT LOTS AT PUUKOLII ROAD, LAHAINA, MAUI, HAWAII," be ADOPTED; and
2. That County Communication 15-166, from the Director of Public Works, be FILED.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you again, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN  
COMMITTEE REPORT 15-80.

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR WHITE: We have a motion from Ms. Cochran and a second from Mr. Hokama.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. And, this has been around a long time so I'm happy to be reporting this one too. Your Committee met on June 29, 2015, to consider a proposed resolution accepting donations of real property containing portions of Puukolii Road in Lahaina, Maui.

Your Committee notes the Council may accept donations of real property or any interest in real property by resolution, pursuant to Section 3.44.015(C), Maui County Code.

Accepting the donations will enable Public Works to pursue much needed maintenance and improvements to the roadway.

Your Committee recommend adoption of this proposed resolution and filing of the communication, and respectfully ask for this Council's support. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Cochran.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And, I want to thank Ms. Cochran and the Committee for getting this one finally done. I'm, I remember working on it as a Executive Assistant, trying to get this thing solved so that we can pave the road. So, I really appreciate this finally getting through. Thank you.



CHAIR WHITE: Thank you.

Any further discussion Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH,  
CRIVELLO, HOKAMA, VICTORINO, AND  
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CARROLL AND  
VICE-CHAIR GUZMAN.

CHAIR WHITE: Measure passes with seven "ayes" and two "excused".

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 15-86.

COMMITTEE REPORT

NO. 15-81 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT  
COMMITTEE:

Recommending the following:

1. That Resolution 15-87, entitled "ACCEPTING DEDICATION OF A ROADWAY LOT FOR THE EHA STREET EXTENSION SUBDIVISION," be ADOPTED;
2. That Resolution 15-88, entitled "ACCEPTING DEDICATION OF ROADWAY LOTS FOR THE IAO PARKSIDE SUBDIVISION," be ADOPTED; and
3. That County Communication 13-28, from Councilmember Michael P. Victorino, be FILED.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And, this is a long one, but it's been around a long time.

I MOVE TO ADOPT THE RECOMMENDATIONS IN  
COMMITTEE REPORT 15-81.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: Okay. We have a motion from Ms. Cochran and a second from Mr. Victorino.

COUNCILMEMBER COCHRAN: Thank, thank you, Chair. And, your Committee met on March 2, 2015, to consider two proposed resolutions accepting Roadway Lots containing the portion of Eha Street located between the Wailuku Post Office and the Wailuku Industrial Park, and the portion of Waena Street fronting the Velma McWayne Santos Community Center in Wailuku, Maui.

Your Committee notes the Council may accept donations of real property or any interest in real property by resolution, pursuant to Section 3.44.015(C), Maui County Code.

The Director of Public Works informed your Committee the Subdividers desire to dedicate the roadway lots to fulfill the requirements of Eha Street Extension Subdivision and Iao Parkside Subdivision.

The Director further noted the roadway lots are noncompliant with the County Subdivision Ordinance. Improvements to bring the roadways into compliance are estimated to cost approximately \$300,000.

Your Committee notes pursuant to Section 18.40.010, Maui County Code, the County shall not accept any existing street except upon full compliance with the provisions of the Subdivision Ordinance or as otherwise deemed in the public interest of the County.

The Director noted the roadways serve as collector roads providing critical traffic-circulation routes between light-industrial centers, housing, parks, and a community center, the post office, and the County's Iao Stream Flood Control Project. For this reason, the Director finds that it is in the public interest to accept these non-compliant roadways.

Your Committee notes adoption of the proposed resolutions by the Council endorses the Department's finding that acceptance of the roadway lots is in the public interest. At the meeting, your Committee expressed concern that accepting noncompliant roadways will place the County at risk of being liable for injuries related to the roadways.

In order to mitigate the County's liability, each of the Subdividers has executed a unilateral insurance agreement with the Department of Public Works, whereby the Subdividers will maintain commercial general liability insurance policies covering the roadway lots and naming the County as an additional insured for a two year period.

And, Chair, I believe staff has distributed copies of this agreement. We all have in our possession at this time.

CHAIR WHITE: Correct.

COUNCILMEMBER COCHRAN: The Committee was unable to review these documents as they were received after Committee's meeting; however, Department of Corporation Counsel has received and approved the agreements as to form an legality.

Your, your Committee recommends adoption of this proposed resolutions and filing of county communication. And, with all that, I respectfully ask for this Council's support of these recommendations. Thank you very much, Chair.

CHAIR WHITE: Thank you, Ms. Cochran.

Members, any further discussion?

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Chair. And, thank you Ms. Cochran and the Committee for which I'm not a part of as a voting member but, took part in some of these deliberations.

I want to say thank you on behalf of the people of Iao Parkside and Wailuku Parkside because they've waited, in some cases, almost 20 years to get this completed. And, it was one of my goals when I first walked in here, almost nine years ago, to get this completed. And, I'm very thankful that the day has arrived and that I've not left office when that day arrived. So, thank you very, very much.

But, more importantly, this is one of the most important collector roads in Maui County because it does traverse, not only housing, but one of the more heavily used industrial areas; the Wailuku Industrial Park traversing to Wili Pa Industrial area.

So, with that being said, Mr. Chair, on behalf of the community, on behalf of Maui County, the people of Wailuku, we want to thank all of those who have worked hard to get this point. I want to thank Mr. Goode. And, we did set some money aside to make these improvements. So, now, once this agreement is set, these improvements can be made by us to be, to make sure that roadway becomes safe.

I agree with Ms. Baisa, there is no lines. You don't know where one side of the street or the other is. And, there may be some need to, and I will be bringing forward some parking restrictions in certain areas that I think provides safety for not only pedestrians, but vehicle traffic as it moves up and down that very heavily travelled corridor.

So thank you, Mr. Chair. Thank you, Ms. Cochran. And, thank you, Committee.

CHAIR WHITE: Thank you, Mr. Victorino.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH,  
CRIVELLO, HOKAMA, VICTORINO, AND  
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CARROLL AND  
VICE-CHAIR GUZMAN.

CHAIR WHITE: Measure passes with seven "ayes" and two "excused".

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 15-87 and 15-88, respectively.

COMMITTEE REPORT

NO. 15-82 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. That Bill 50 (2015), entitled "A BILL FOR AN ORDINANCE AMENDING THE MAUI TRAFFIC CODE RELATING TO ONE-WAY CONDITIONS ON UKIU ROAD, MAKAWAO, MAUI, HAWAII," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 15-167, from the Director of Public Works, be FILED.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN  
COMMITTEE REPORT 15-82.

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR WHITE: We have a motion from Ms. Cochran and a second from Mr. Hokama.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. Your Committee met on June 29, 2015, to consider a proposed bill amending the hour of one-way conditions on Ukiu Road, Makawao, Maui, to align with the school hours of Makawao Elementary School.

The Deputy of Public Works said the Department supports the proposed bill and noted coordination of one-way conditions with the school's schedule serves to alleviate traffic congestion.

Your Committee recommend passage of this proposed bill and filing of the county communication.

I respectfully ask for this Council's support. Thank you, Chair.

CHAIR WHITE: Thank you.

Members, any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH,  
CRIVELLO, HOKAMA, VICTORINO, AND  
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CARROLL AND  
VICE-CHAIR GUZMAN.

CHAIR WHITE: Measure passes with seven "ayes" and two "excused".

Mr. Clerk.

COUNTY CLERK: For the record, BILL NO. 50 (2015).

COMMITTEE REPORT

NO. 15-83 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT  
COMMITTEE:

Recommending the following:

1. That Bill 51 (2015), entitled "A BILL FOR AN ORDINANCE AMENDING THE MAUI TRAFFIC CODE TO ALLOW SIGNS, POSTERS, AND OTHER NONTRANSPARENT MATERIALS ON VEHICLE WINDOWS," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 15-106, from Councilmember Elle Cochran, be FILED.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you again, Chair.

LAST BUT NOT LEAST, I MOVE TO ADOPT THE  
RECOMMENDATIONS IN COMMITTEE REPORT 15-83.

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR WHITE: We have a motion from Ms. Cochran and a second from Mr. Hokama.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. Your Committee met on June 29, 2015, to consider a proposed bill allowing the placement of signs, posters, and other nontransparent materials that do not obstruct the driver's view of the road or intersections on side wings, side windows, or rear vehicles of motor vehicles.

Your Committee notes Chapter 133.2, is that right, of Title 19, Hawaii Administrative Rules, entitled "Periodic Inspection of Vehicles," adopted by the State Director of Transportation, provides that a safety sticker shall not be granted if decals or stickers are displayed on windows in areas not permitted by ordinance.

In addition, your Committee notes Section 10.20.420, Maui County Code, prohibits the display of decals or stickers of any size on vehicles' rear and side windows, and prohibits the display of decals or stickers exceeding 24 inches on windshields.

Members of your Committee have received complaints from constituents about the alleged undue difficulty of obtaining safety stickers. Since November 1, 2013, the Hawaii Administrative Rules has required authorized safety inspectors to take electronic photographs of inspected vehicles. This practice has apparently led to sticker *[sic]* enforcement in the inspection process.

Your Committee notes it is common practice for motor vehicles to have rear windows adorned with decals that convey various types of personal messages. After consulting with representatives of the Department of Police and Department of Finance, your Committee concluded the proposed bill would protect residents' right to free expression and constrain unwarranted regulation, while also ensuring public safety.

I therefore, ask for this Committee's, the, the Committee recommended passage of this proposed bill and filing of this communication. And, I respectfully ask for the Council's continued support of the recommendation. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Cochran.

Members, any further discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH,  
CRIVELLO, HOKAMA, VICTORINO, AND  
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CARROLL AND  
VICE-CHAIR GUZMAN.

CHAIR WHITE: Measure passes with seven "ayes" and two "excused".

Mr. Clerk.

COUNTY CLERK: For the record, BILL NO. 51 (2015).

#### COMMITTEE REPORT

NO. 15-84 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. That Resolution 15-89, entitled "AUTHORIZING ACCEPTANCE OF A DONATION OF A MORPHOTRAK DIGITAL FINGERPRINTING, PHOTOGRAPHING, AND IMAGING MACHINE TO THE DEPARTMENT OF POLICE," be ADOPTED; and
2. That County Communication 15-169, from the Chief of Police, be FILED.

CHAIR WHITE: Mr. Victorino.



COUNCILMEMBER VICTORINO: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN  
COMMITTEE REPORT 15-84.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion from Mr. Victorino and a second by Mr. Couch.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Chair. At our meeting of June 29, 2015, by a vote of 9-0, your Policy and Intergovernment Affairs Committee recommended adoption of the resolution entitled "AUTHORIZING ACCEPTANCE OF A DONATION OF A MORPHOTRAK DIGITAL FINGERPRINTING, PHOTOGRAPHIC [S/C], AND IMAGING MACHINE TO THE DEPARTMENT OF POLICE" and the filing of County Communication 15-169.

I would like to first thank the Hawaii Criminal Justice Data Center for their donation. I respectfully request the Council to consider this motion. Thank you, Mr. Chair.

CHAIR WHITE: Thank you, Mr. Victorino.

Members, any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH,  
CRIVELLO, HOKAMA, VICTORINO, AND  
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CARROLL AND  
VICE-CHAIR GUZMAN.

CHAIR WHITE: Measure passes with seven "ayes" and two "excused".

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 15-89.

COMMITTEE REPORT

NO. 15-85 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. That Resolution 15-90, entitled "AUTHORIZING ACCEPTANCE OF A DONATION OF SIX APPLE IPAD AIR 16 GB TABLETS, INCLUDING CHARGERS AND COVERS, TO THE DEPARTMENT OF POLICE, COUNTY OF MAUI, FOR USE BY ITS CRISIS INTERVENTION TEAM, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE," be ADOPTED; and
2. That County Communication 15-170, from the Chief of Police, be FILED.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair.

I MOVE TO ADOPT THE RECOMMENDATION IN  
COMMITTEE REPORT 15-85.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion from Mr. Victorino with a second from Mr. Couch.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair. At its meeting of June 29, 2015, again by a vote of 9-0, your Policy and Intergovernment Affairs Committee recommend, recommended the adoption of the resolution entitled "AUTHORIZING ACCEPTANCE OF A DONATION OF SIX APPLE IPAD AIR 16 GB TABLETS, INCLUDING CHARGERS AND COVERS, TO THE DEPARTMENT OF POLICE, COUNTY OF MAUI, FOR THE USE BY ITS CRISIS INTERVENTION TEAM, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE", and the filing of Maui, County Communication 15-17.

Again, I would like to thank the State Department of Health for this donation. This is going to be greatly used in our community.

I respectfully ask the Council to consider this motion. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Victorino.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH,  
CRIVELLO, HOKAMA, VICTORINO, AND  
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CARROLL AND  
VICE-CHAIR GUZMAN.

CHAIR WHITE: Measure passes with seven "ayes" and two "excused".

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 15-90.

COMMITTEE REPORT

NO. 15-86 - WATER RESOURCES COMMITTEE:

Recommending that County Communication 15-69, from the County Auditor, transmitting the Department of Water Supply's "FINANCIAL STATEMENTS AND SUPPLEMENTARY INFORMATION WITH INDEPENDENT AUDITOR'S REPORT" for Fiscal Years 2013 and 2014, prepared by the County's independent auditor, N&K CPAs, Inc., be FILED.

CHAIR WHITE: Ms. Baisa.

COUNCILMEMBER BAISA: Thank you, Mr. Chair.

I MOVE TO ADOPT THE RECOMMENDATION IN  
COMMITTEE REPORT 15-86.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion by Ms. Baisa and a second by Mr. Victorino.

Ms. Baisa.

COUNCILMEMBER BAISA: Thank you, Mr. Chair. At its meeting of July 1, 2015, by a vote of 7-0, your Water Resources Committee recommended the filing of County Communication 15-69, relating to the Department of Water Supply's Independent Auditor's Report entitled "FINANCIAL STATEMENTS AND SUPPLEMENTARY INFORMATION WITH INDEPENDENT AUDITOR'S REPORT" for Fiscal Years 2013 and 2014.

The Committee was satisfied with the report. It had been looked at in-depth during Budget and they commended the Department's fiscal team.

I respectfully request the Council's consideration of the motion.

CHAIR WHITE: Thank you, Ms. Baisa.

Members, any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH,  
CRIVELLO, HOKAMA, VICTORINO, AND  
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CARROLL AND  
VICE-CHAIR GUZMAN.

CHAIR WHITE: Measure passes with seven "ayes", and zero "noes", and two "excused".

Mr. Clerk.

COMMITTEE REPORT  
NO. 15-87 - WATER RESOURCES COMMITTEE:

Recommending the following:

1. That Resolution 15-91, entitled "AUTHORIZING THE GRANTING OF A NON-EXCLUSIVE PERPETUAL EASEMENT ON COUNTY OF MAUI REAL PROPERTY SITUATED AT HONUULA, WAILEA, MAUI, HAWAII, TO MAUI ELECTRIC COMPANY, LIMITED, FOR ELECTRICAL," be ADOPTED; and
2. That County Communication 15-81, from the Director of Water Supply, be FILED.

CHAIR WHITE: Ms. Baisa.

COUNCILMEMBER BAISA: Thank you, Mr. Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN  
COMMITTEE REPORT 15-87.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion by Ms. Baisa and a second by Mr. Victorino.

Ms. Baisa.

COUNCILMEMBER BAISA: Thank you, Mr. Chair. At its meeting of July 1, 2015, by a vote of 7-0, your Water Resources Committee recommended adoption of a resolution entitled "AUTHORIZING THE GRANTING OF A NON-EXCLUSIVE PERPETUAL EASEMENT ON COUNTY OF MAUI REAL PROPERTY SITUATED AT HONUULA, WAILEA, MAUI, HAWAII, TO MAUI ELECTRIC COMPANY, LIMITED, FOR ELECTRICAL", for electrical, and filing of County Communication 15-81.

The purpose of the proposed resolution is to grant a non-exclusive easement for electrical purposes to Maui Electric Company Limited, through and under County property located at Honuaula, Wailea, to service the Department of Water Supply's electrical needs.

I respectfully request the Council's favorable consideration of the motion.

CHAIR WHITE: Thank you, Ms. Baisa.

Members, any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH,  
CRIVELLO, HOKAMA, VICTORINO, AND  
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CARROLL AND  
VICE-CHAIR GUZMAN.

CHAIR WHITE: Measure passes with seven "ayes" and two "excused".

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 15-91.

Mr. Chair, proceeding with county communications.

### COUNTY COMMUNICATIONS

NO. 15-198 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,  
(dated June 29, 2015)

Transmitting 51 contracts/grants for the month ending May 2015.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, UNLESS THERE IS A REQUEST BY A MEMBER REGARDING A SPECIFIC CONTRACT TO BE REFERRED TO COMMITTEE, I MOVE THAT COUNTY COMMUNICATION 15-198 BE FILED.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Mr. Hokama with a second by Mr. Victorino.

Mr. Hokama.

COUNCILMEMBER HOKAMA: The good news is if you look at the report, Mr. Chairman, it said there are three contracts that are with the Solid Waste Division that seems to be disencumbered. So I think they are working with the Council and I see a rosier relationship down the road. Thank you.

CHAIR WHITE: Thank you.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH,  
CRIVELLO, HOKAMA, VICTORINO, AND  
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CARROLL AND  
VICE-CHAIR GUZMAN.

CHAIR WHITE: Measure passes with seven "ayes" and two "excused".

Mr. Clerk.

NO. 15-199 - DAVID TAYLOR, DIRECTOR OF WATER SUPPLY,  
(dated July 6, 2015)

Transmitting the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending June 2015.

CHAIR WHITE: Ms. Baisa.

COUNCILMEMBER BAISA: Thank you very much, Chair.

I MOVE TO FILE THE REPORT.

COUNCILMEMBER VICTORINO:

SECOND, MR. CHAIR.

CHAIR WHITE: We have a motion from Ms. Baisa and a second from Mr. Victorino.

Ms. Baisa.

COUNCILMEMBER BAISA: Thank you. It's a routine report that we can all, that is available for those who want to look at it. And, we routinely file these. Thank you.

CHAIR WHITE: Thank you.

Members, any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH,  
CRIVELLO, HOKAMA, VICTORINO, AND  
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CARROLL AND  
VICE-CHAIR GUZMAN.

CHAIR WHITE: Measure passes with seven "ayes" and two "excused".

Mr. Clerk.



NO. 15-200 - DAVID TAYLOR, DIRECTOR OF WATER SUPPLY,  
(dated July 8, 2015)

Transmitting the State of Hawaii's Commission on Water Resources Management water use reports for May 2015 for all registered well reporters in the County of Maui.

CHAIR WHITE: Ms. Baisa.

COUNCILMEMBER BAISA: Thank you, Chair.

I MOVE TO FILE THE REPORT.

COUNCILMEMBER VICTORINO:

SECOND, MR. CHAIR.

CHAIR WHITE: Okay, we have a motion from Ms. Baisa and a second from Mr. Victorino.

Ms. Baisa.

COUNCILMEMBER BAISA: Thank you very much, Chair. Again, this is a report that we receive routinely and it is available for those who want to really take a in-depth look at it. But, I, I think that it's okay to file it, my recommendation.

CHAIR WHITE: Thank you.

Any further discussion, Members?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank, thank you, Chair. And, I'm really liking this new format of these reports. It's, we would get it in a different look, I guess, and that's why I had questioned where did these come from. But, we, we'd get them individually from the companies, but this is the compilation of all companies and well, well water user people in our County that submit to CWRM, and this is the report. Now, we're getting it all, you know, collectively as a whole to us.

So, it's a nice report and I had the opportunity to visit with Hawaii Water Service in West Maui who has nine wells. And, so they sort of shed light also on how this relates to what they do and, you know, how they report and what have you. So, it's, it's interesting and I think it's great that we get a, a copy to look over for our, you know, perusing on our time; our leisure time when that exists.

CHAIR WHITE: What leisure time?

Okay, Members, any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH,  
CRIVELLO, HOKAMA, VICTORINO, AND  
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CARROLL AND  
VICE-CHAIR GUZMAN.

CHAIR WHITE: Measure passes with seven "ayes" and two "excused".

Mr. Clerk.

COUNTY CLERK: Mr. Chair, the following county communications are recommended to the following Committees as noted:

NO. 15-201 - JO ANNE JOHNSON WINER, DIRECTOR OF TRANSPORTATION,  
(dated June 30, 2015)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 11, MAUI COUNTY CODE, RELATING TO ADVERTISING INSIDE COUNTY TRANSIT BUSES".

The recommended action is that County Communication No. 15-201 be referred to the Budget and Finance Committee.

NO. 15-202 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,  
(dated July 8, 2015)

Transmitting a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL HAWKINS DELAFIELD & WOOD LLP, FOR THE COUNTY OF MAUI 2015 GENERAL OBLIGATION BOND ISSUANCE".

The recommended action is that County Communication No. 15-202 be referred to the Budget and Finance Committee.

NO. 15-203 - ALAN M. ARAKAWA, MAYOR,  
(dated July 15, 2015)

Relating to the purchase of the 267 acre North Shore parcel at Kuiaha (Haiku Sugar East Subdivision).

The recommended action is that County Communication No. 15-203 be referred to the Budget and Finance Committee.

NO. 15-204 - MIKE WHITE, COUNCIL CHAIR,  
(dated July 6, 2015)

Relating to the Haleakala Trail in Upcountry, Maui.

The recommended action is that County Communication No. 15-204 be referred to the Economic Development, Energy, Agriculture, and Recreation Committee.

NO. 15-205 - MICHAEL P. VICTORINO, PRESIDING OFFICER PRO TEMPORE,  
(dated July 2, 2015)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 8.20, MAUI COUNTY CODE, RELATING TO PROHIBITING SMOKING AT BUS STOPS".

The recommended action is that County Communication No. 15-205 be referred to the Housing, Human Services, and Transportation Committee.

NO. 15-206 - DON COUCH, COUNCILMEMBER,  
(dated July 15, 2015)

Relating to "tiny houses" on trailers.

The recommended action is that County Communication No. 15-206 be referred to the Housing, Human Services, and Transportation Committee.

CHAIR WHITE: Thank you, Mr. Clerk.

Members, are there any objections? Yes.

COUNCILMEMBER HOKAMA: Recess.

CHAIR WHITE: One minute recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 11:45 A.M., AND WAS RECONVENED AT 11:46 A.M., WITH ALL MEMBERS PRESENT, EXCEPT COUNCILMEMBER CARROLL AND VICE-CHAIR GUZMAN, EXCUSED.)

CHAIR WHITE: This meeting of the County Council will come back to order.

Members, are there any objections to the referrals as read by the Clerk?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Seeing none, they'll be sent to the Committees as, as noted.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, proceeding with general communication.

### GENERAL COMMUNICATIONS

NO. 15-7 - KATHRYN S. MATAYOSHI, SUPERINTENDENT, DEPARTMENT OF  
EDUCATION, STATE OF HAWAII, (dated June 30, 2015)

Submitting the 2015 Annual Report in accordance with Condition 3 of Ordinance No. 4135, Kihei High School change in zoning.

The recommended action is that General Communication No. 15-7 be referred to the Planning Committee.

CHAIR WHITE: Thank you, Mr. Clerk.

Members, any objections to this being referred to the Planning Committee?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. So ordered.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, proceeding with ordinances for second and final reading.

## ORDINANCES

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 47 (2015)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.96,  
MAUI COUNTY CODE, RELATING TO THE RESIDENTIAL WORKFORCE  
HOUSING POLICY CREDITS AND FORECLOSURES

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

I MOVE TO PASS BILL 47 (2015) ON SECOND AND FINAL  
READING.

COUNCILMEMBER BAISA:

I SECOND THE MOTION, CHAIR.

CHAIR WHITE: We have a motion from Ms. Crivello and a second from Ms. Baisa.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. Your Housing, Human Services, and Transportation Committee met on June 2015, to consider a proposed bill amending the Residential Workforce Housing Policy, specific to Sections 2.96.050 and 2.96.060, Maui County Code.

The bill clarifies that no more than 75 percent of the total number of residential workforce housing units constructed within a development shall be eligible for credits, including projects that are 100 per cent affordable. And, that deed restrictions shall not apply in situation of foreclosure because such restrictions of property may negatively affect a purchaser's ability to obtain a home mortgage for the deed-restricted property.

I ask for your support.

CHAIR WHITE: Thank you.

Members, further discussion on this item?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I speak in support of the motion. But, I need to, you know, share my, my disappointment with the financial institutions. I think they making it harder than it really needs to be to get homeownership through reasonable mortgages. And, I think some of the limitations are, again, because they got their pants caught around their ankles, screwing up values and our financial status as a country and as a State, and even as a County regarding our real property revenue source. I find it very lacking on their part. They have a lot of cash right now. They could make a big difference in the ability of making our residents have the chance to purchase affordable housing.

And, I just, for one, wanted to state that for the record that I am disappointed that they're not have, they haven't taken a more progressive and community approach regarding homeownership in this State and in this County. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

Mr. Victorino.

COUNCILMEMBER VICTORINO: And, I'll quickly say I agree with Mr. Hokama. And, I believe that, like you have said and others, maybe it's time we draw the line in the sand and start withdrawing our monies and putting it in other places that are going to be more accommodating to our residents. Thank you, Mr. Chair.

CHAIR WHITE: Members, any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH,  
CRIVELLO, HOKAMA, VICTORINO, AND  
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CARROLL AND  
VICE-CHAIR GUZMAN.

CHAIR WHITE: Measure passes with seven "ayes" and two "excused".

Mr. Clerk.

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 48 (2015)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.96,  
MAUI COUNTY CODE, RELATING TO THE RESIDENTIAL  
WORKFORCE HOUSING POLICY AND CHAPTER 201H,  
HAWAII REVISED STATUTES, PROJECTS

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Chairman, thank you.

I MOVE TO PASS BILL 48 (2015) ON SECOND AND FINAL  
READING.

COUNCILMEMBER BAISA:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion by Ms. Crivello and a second by Ms. Baisa.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. Your Housing, Human Services, and Transportation Committee met on June 2015 to consider a proposed bill amending the Residential Workforce Housing Policy, specific to Section 2.96.030, Maui County Code.

The bill clarifies that in the event of a conflict between Chapter 201H, HRS and the Residential Workforce Housing Policy, Chapter 201H, HRS supersedes the policy.

Thank you for your support.

CHAIR WHITE: Members, any further discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH,  
CRIVELLO, HOKAMA, VICTORINO, AND  
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CARROLL AND  
VICE-CHAIR GUZMAN.

CHAIR WHITE: Measure passes with seven "ayes" and two "excused".

Mr. Clerk.

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 49 (2015)

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE  
COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL  
AGREEMENT WITH THE HAWAII EMPLOYER-UNION HEALTH  
BENEFITS TRUST FUND, STATE OF HAWAII

CHAIR WHITE: Mr. Victorino.



COUNCILMEMBER VICTORINO: Thank you, Mr. Chair.

I MOVE FOR THE PASS, I MOVE TO PASS BILL 49 ON  
SECOND AND FINAL READING.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion by Mr. Victorino with a second from Mr. Couch.

Mr. Victorino.

COUNCILMEMBER VICTORINO: A representative from the Department of Finance stated that the EUTF stopped transmitting monthly reports in 2012, and will not resume transmitting reports until the County enters into an intergovernmental Confidentiality Agreement to satisfy the requirements of HIPAA and the Health Information Technology and Economic and Clinical Health Act, HITEC.

So, with that in mind, the representatives stated that the monthly EUTF reports are necessary to verify the accuracy of the County's monthly benefit payments.

I respectfully ask this Council to consider this motion. Thank you, Mr. Chair.

CHAIR WHITE: Thank you, Mr. Victorino.

Members, any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH,  
CRIVELLO, HOKAMA, VICTORINO, AND  
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CARROLL AND  
VICE-CHAIR GUZMAN.

CHAIR WHITE: Measure passes with seven "ayes" and two "excused".

And, Members, that brings us to the end of our work. But, I have a request for a personal privilege by Ms. Baisa who has some very special guests that she would like to introduce.

Ms. Baisa.

COUNCILMEMBER BAISA: Thank you very much, Chair. And, I, if my Members will indulge me, I want to introduce some people here today that are in the audience. Everybody wonders where I get lost every December. And, these are the folks that I go to Mexico to spend time with. They are sister club of Kahului Rotary. They are from the Jocotepec-Chapala Rotary.

So, I would like to introduce them. If you'd please rise; we have Ms. Adela Perez Navarro, and she's celebrating her birthday today too; Happy Birthday. And, with her is her son Ramon, Ramon. And, with them, is their family friend, Mario Zarate. Please take a bow. And, of course, everybody knows my faithful husband. So, thank you very much, Members and Chair. I appreciate that.

CHAIR WHITE: Oh, it's our pleasure. Great, welcome to Maui. And it's nice to finally meet the folks that she talks about all the time.

Members, with that, we will stand adjourned. Mahalo.

### ADJOURNMENT

The regular meeting of July 24, 2015 was adjourned by the Chair at 11:54 a.m.

  
DENNIS A. MATEO, COUNTY CLERK  
COUNTY OF MAUI, STATE OF HAWAII

RECEIVED

James R. Smith

2015 JUL 23 PM 1:36

OFFICE OF THE  
COUNTY CLERK

Chairperson Mike White and Members of the Maui County  
Council:

Testimony on Bill 47 at Section 2 MCC 2.96.060(2)(g)

The Residential Workforce Housing Policy at Section 2.96.010 of the Maui County Code states that its purpose is to enhance public welfare by ensuring housing needs are addressed. This legislation abandons affordable housing units. The provision identified above provides that when a foreclosure process is begun the mortgage lender, is no longer required to comply with the restrictions set to assure affordability for 10 years. This action is promoted as a "clarification", in effect by it's terms mortgage lenders profit at the expense of public welfare.

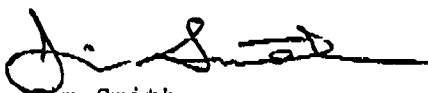
Minutes for the Committee's December 19, 2013 at page 6 and 7 discuss permanent affordability involving testimony by Mr Andersen of Na Hale O Maui. Keeping units affordable is at the core of the policy's reason for existing. The Committee Report for Bill 47 considered by this Council on July 7 at page 2 and 3 a deputy corporation opinioned that by the amendments terms; once an affordable unit enters the foreclosure process a financial institution may take a foreclosed unit out of the County's affordable category and sell it at fair market value.

The Policy at Section 2.96.130 Property Assessment Value requires that the annual assessment value shall take into effect the property's limited resale value.

The proposed "clarification" provides to the party foreclosing an incentive. He can sell a property at market, that has had a limited assess value for tax purposes to its benefit. This lowering of tax subsidized by other property owners is lost, along with the affordable unit. Insult to injury

I request that this Bill be recommitted for this inequity; and that this consequence be thoroughly examined.

Mahalo,



Jim Smith

07\_24\_15

**COUNCIL OF THE COUNTY OF MAUI**  
**BUDGET AND FINANCE COMMITTEE**

May 26, 2015

Committee  
Report No. 15-50

Honorable Chair and Members  
of the County Council  
County of Maui  
Wailuku, Maui, Hawaii

Chair and Members:

Your Budget and Finance Committee, having met on May 15, 2015, makes reference to County Communication 14-223, from the Economic Development Director, transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES - SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2015, ECONOMIC DEVELOPMENT REVOLVING FUND".

The purpose of the proposed bill is to amend the Fiscal Year 2015 Budget to appropriate funds from the Economic Development Revolving Fund ("EDRF"), pursuant to Chapter 3.81, Maui County Code, for the following: (1) \$200,000 for Uptown Service Inc. to renovate and convert its existing car wash facility to a full-service and take-out restaurant called "Da Car Wash Café"; (2) \$125,000 for Alpha, Inc. to purchase a National T-32 drill rig to offer lower-cost drilling to Maui deep-well projects; (3) \$175,000 for Maui Innovation Group LLC for the development of medical care management software to better manage patient care and comply with new Affordable Care Act regulations; (4) \$250,000 for HNu Photonics, LLC for infrastructure improvements and equipment for stem cell research; and (5) \$250,000 for Aumakua Holdings, Inc. to purchase equipment for a Maui Brewing Co. facility in Kihei to add new lines of beverages.

2. A report entitled, "Maui County Economic Development Revolving Fund (EDRF), First Round Grant Reviews, Report

*John J. Smith*  
*TEST MONY*  
*7-24-15*

**COUNCIL OF THE COUNTY OF MAUI**  
**BUDGET AND FINANCE COMMITTEE**

Page 2

**Committee**  
**Report No. \_\_\_\_\_**

to the Mayor", dated August 10, 2014, recommending the five projects above.

Your Committee notes the Council's Budget and Finance Committee (2013-2015 Council term) met on this matter on September 16, 2014, and September 30, 2014.

By correspondence dated May 11, 2015, the Budget Director transmitted a revised proposed bill that removed the proposed appropriation to Alpha, Inc. The Economic Development Director ("Director") said Alpha, Inc. opted out of consideration because the company has already moved forward with purchasing the equipment.

Section 3.81.020, Maui County Code, states:

The purpose of the economic development revolving fund is to provide funds for economic development and economic development programs in the County of Maui. The Council finds that the creation of the fund is necessary to strengthen and diversify the County's economy; to support existing County businesses; to promote job creation; to attract new business, industry, construction, and events that will foster economic development in the County; and to improve the overall economic and social well-being of the County.

The Director informed your Committee the Mayor sought applications from companies in the County with a strong balance sheet, established markets with growth potential, and strong potential for creating living-wage employment for residents. A committee reviewed eight applications and recommended the five projects in the proposed bill.

Your Committee notes the \$200,000 grant to Uptown Service Inc. will assist with renovation of the existing car wash into a full-service and take-out restaurant called "Da Car Wash Café." The project will help revitalize Wailuku Town and generate at least 15 jobs.

**COUNCIL OF THE COUNTY OF MAUI**  
**BUDGET AND FINANCE COMMITTEE**

Page 3

**Committee**  
**Report No. \_\_\_\_\_**

Your Committee was informed Maui Innovation Group LLC will utilize the \$175,000 grant to complete the development of software to enable medical offices to better manage patients' care and to comply with the Affordable Care Act. The project will generate four full-time jobs in the first year. Once the product becomes operational and marketable, Maui will continue to be the base of operation for product development, quality assurance, design, and technical support activities that may create an additional 80 jobs.

Your Committee was further informed the \$250,000 grant to HNu Photonics, LLC will fund infrastructure improvements and equipment to deploy technology on the International Space Station. HNu Photonics, LLC has been awarded the opportunity under a National Aeronautics and Space Administration Space Act Agreement to serve the needs of biological researchers, funded by the Center for Advancement of Science in Space, who are studying stem cell differentiation under microgravity conditions. This project is expected to create between five and ten jobs.

Your Committee further notes Aumakua Holdings, Inc. will utilize the \$250,000 grant to purchase equipment for its Maui Brewing Co. facility in Kihei to produce and commercialize three new product lines: non-alcoholic sodas, cider, and distilled spirits. These products will be brewed for consumption locally and for export. This project will create 10 to 15 jobs.

The Director informed your Committee each grant will be issued in installments, and companies will be required to provide one-to-one matching funds. The grant agreements will be structured to require the grantee to demonstrate specific progress before additional funds will be released.

Your Committee expressed concern with the format of the proposed bill, with all grantees combined on a single proposal. Individual proposals would allow the Council to better consider the merit of each project, rather than facing the choice presented by the Administration of either approving all elements of the package or none.

**COUNCIL OF THE COUNTY OF MAUI**  
**BUDGET AND FINANCE COMMITTEE**

Page 4

**Committee**  
**Report No. \_\_\_\_\_**

Your Committee also expressed concern with awarding large grants instead of zero- or low-interest loans. Issuing grants instead of loans will deplete the EDRF. Your Committee suggested that companies voluntarily contribute back to the fund as their businesses generate revenue from the assistance of the grant from the County. This would allow the fund to be available for other companies.

Your Committee voted 7-0 to recommend passage of the revised proposed bill on first reading and filing of the communication. Committee Chair Hokama, Vice-Chair White, and members Baisa, Cochran, Couch, Crivello, and Victorino voted "aye". Committee members Carroll and Guzman were excused.

Your Budget and Finance Committee RECOMMENDS the following:

1. That Bill \_\_\_\_\_ (2015), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES - SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2015, ECONOMIC DEVELOPMENT REVOLVING FUND", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 14-223 be FILED.

COUNCIL OF THE COUNTY OF MAUI  
**BUDGET AND FINANCE COMMITTEE**

Page 5

Committee  
Report No. \_\_\_\_\_

This report is submitted in accordance with Rule 8 of the Rules of the Council.

  
\_\_\_\_\_  
RIKI HOKAMA, Chair

bf:cr:15125aa:mrp



Mike White, Chair  
Maui County Council

Albert Perez, Executive Director  
Maui Tomorrow Foundation, Inc.

July 24, 2015

Re: County Communication 15-203 from Mayor Arakawa, relating to the purchase of the 267 acre North Shore parcel at Kuiaha (Haiku Sugar East Subdivision).

Chair White:

Aloha, my name is Albert Perez, and I am the Executive Director of Maui Tomorrow. I am here to testify **in support** of the purchase of the Haiku Sugar East Subdivision lands at Kuiaha.

One of the goals of the Paia-Haiku Community Plan is to acquire “quality recreational facilities to meet the present and future needs of residents of all ages and physical ability, with emphasis on securing shorefront lands.”

Maui’s existing recreational lands are already heavily utilized. As our population grows, these lands will increase, and critical shoreline lands will only become more expensive. Shoreline access along the north shore is already limited; the time to act is now.

We appreciate the fact that the Council has put \$3 million in the County budget to start the ball rolling, and we urge Council members to do whatever it takes to secure this area for traditional and community use. Citizens groups are ready to work together on a management strategy, but we need to make sure this opportunity is not lost.

Mahalo,

Albert Perez

Agenda Item: No. 15-203 "relating to the purchase of the 267 acre North Shore parcel at Kuiaha (Haiku Sugar East Subdivision)"

X DELETE   ← REPLY   ⇐ REPLY ALL   → FORWARD   ...



Alex Haller <alexhaller.hawaii@gmail.com>

Fri 7/24/2015 12:22 AM

mark as unread

To: county.clerk@co.maui.hi.us;

Councilmember Mike White, Chair

Councilmember Don Guzman, Vice-Chair

Maui County Council

RECEIVED  
2015 JUL 24 AM 7:43  
OFFICE OF THE  
COUNTY CLERK

Friday, July 24, 2015

Support to acquire old pineapple lands in Haiku at Kuiaha and Peahi. Support to protect historical roads down the Haiku coastline.

Many kids that grow up on Maui remember the dirt roads down to "Jaws" more clearly than any other childhood memory. The old dirt roads stretched through pristine rows of pineapple fields along the beautiful north shore coastline. These historical roads were marked in 1920s U.S. Geological Survey maps, but unfortunately they are not marked on our new county subdivision map.

In an ideal world, the county/state would buy up all the old pineapple fields in Haiku. We should preserve these agricultural/open space areas as soon as they get put on the real estate market. These lands are valuable because they receive sustainable rainfall and other natural resources year-round, therefore they should be utilized in our "financial island plan." If Hawaii were put in a position to produce the majority of our own food supply, this area would be an ideal starting point. Imua District 13.

Mahalo,

Alex Haller

Haiku

Agenda Item: No. 15-203 -"relating to the purchase of the 267 acre North Shore parcel at Kuiaha (Haiku Sugar East Subdivision)

✕ DELETE   ← REPLY   ⇐ REPLY ALL   → FORWARD   ...



Paul Solomon <paul.solomon108@gmail.com>

mark as unread

Thu 7/23/2015 10:20 PM

To: County Clerk;

Bing Maps

+ Get more apps

RE: Agenda Item: No. 15-203 -"relating to the purchase of the 267 acre North Shore parcel at Kuiaha (Haiku Sugar East Subdivision)"

Aloha Council Members,

I am aware of the total asking price of \$10.675 million for the 267 acres.

I support the acquisition of these lands.

I support using the financial method used to acquire the 100 acres of the Launiupoko Greenway.

I support acquiring this land the the public purpose of:

Access to & Use of AG lands for growing food for our community;

Access to & Use of Outdoor Recreational Lands in the district of Hamakualoa;

Access to & Activation of Cultural Sites within this land complex;

Access to & Preservation of Open Space & Scenic views.

Mahalo,  
Paul Solomon  
PO Box 1183  
Haiku, HI 96708  
808-633-3009

RECEIVED  
2015 JUL 24 AM 7:43  
OFFICE OF THE  
COUNTY CLERK

## Agenda Item No. 15-203

X DELETE   ← REPLY   ⇐ REPLY ALL   → FORWARD   ...



William Greenleaf <bgreenleaf.mau@yaho.com>

Thu 7/23/2015 7:58 AM

mark as unread

To: county.clerk@co.mau.hi.us;

Aloha Maui County Council Members:

I'm writing in strong support of Agenda Item No. 15-203...relating to the purchase of the 267 acre North Shore parcel at Huiaha (Haiku Sugar East Subdivision) Thank you Council for including \$3 Million dollars in the budget to make this possible. I understand that Mayor Arakawa is not fully on board.

Some reasons I support this purchase are:

This parcel is a once in a lifetime opportunity for the community to own public lands that can be used for: Traditional and cultural use; ag park; horseback and bike riding, surfing access; fishing access; viewing of "Jaws" wave; outdoor education for schools and youth facilities; views of the ocean and other recreational uses.

The total cost is yet to be determined. I request the Council charge the Mayor to negotiate for the total purchase price with the intent for Maui County to fund the purchase price as was done at Launiupoko and Makena State Park.

Thank you for your work in making this acquisition possible.

Bill Greenleaf

Greenleaf Farms

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COUNTY CLERK

## County Clerk

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**From:** Susan Douglas <sd3@hawaii.rr.com>  
**Sent:** Wednesday, July 22, 2015 7:42 AM  
**To:** County Clerk  
**Subject:** I SUPPORT County to acquire the 267 Acres on the North Shore

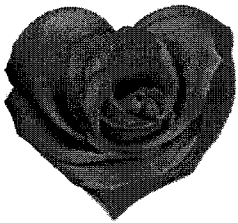
**Subject:** I SUPPORT County to acquire the 267 Acres on the North Shore

Honorable County Council Members;

I support you in proceeding with acquisition of these 267 acres on the North shore; (Kuiaha- Kapakalua area).

*Warmest Mahalo and Aloha!*

Susan Douglas  
Healthy Life Coach  
Temple of the Spirit  
3145-A Makamae Pl.  
Kihei, Maui, HI 96753  
808 879 1112 (24/7)  
[sd3@hawaii.rr.com](mailto:sd3@hawaii.rr.com)



**RECEIVED**  
2015 JUL 23 AM 8:06  
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COUNTY CLERK

## County Clerk

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**From:** Judy Levy <judy.lotusheart@gmail.com>  
**Sent:** Tuesday, July 21, 2015 10:22 PM  
**To:** County Clerk  
**Subject:** I SUPPORT County to acquire the 267 Acres on the North Shore

Honorable County Council Members;

I am a Haiku resident and business owner in Kihei. I STRONGLY URGE you to proceed with acquisition of these 267 acres on the North shore; (Kuiaha- Kapakalua area). We MUST preserve our open lands for the PUBLIC, NOT for developers or more wealthy people to come build huge homes on OUR coastlines!! we NEED more land for agricultural land, so we can become Self Sustaining and grow more of our own healthy food so we become less dependent on imported food. As a resident I want the continued OPEN spaces of coastline and farmland and coastal access for recreation and the BEAUTY of Maui that we treasure.

I therefore support the County purchasing these open 267 acres for OUR FUTURE!! We MUST maintain the open beauty of Maui and not allow a few wealthy people to gobble up our pristine and precious coastal lands! We are approaching over development and YOU MUST STOP THIS!!! Please use the financing methods that were used to acquire the 100 acres of Launiupoko greenway which was beneficial to residents and visitors alike.

Thank you for following the will of THE PEOPLE...WE ARE WATCHING YOU and expect you to do THE RIGHT THING FOR MAUI residents ...we elect you and many more of us are getting more aware that we must participate in our precious Democracy. MAKE US PROUD OF YOU!!

With much Gratitude and Aloha,

Judy Levy

--  
*Judy Levy*  
*Awakening in Paradise ~*  
*Books, Crystals, Metaphysical Gifts & Gallery*  
*1215 S. Kihei Rd (in Long's Center)*  
*[www.AwakeninginParadiseMaui.com](http://www.AwakeninginParadiseMaui.com)*  
*(808)-891-1114 store*  
*(808)-269-7762 cell*  
*Celebrating Life.... Creating Precious Moments*

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**From:** gregg blue <gblue@hawaiiantel.net>  
**Sent:** Thursday, July 23, 2015 11:44 AM  
**To:** county.clerk@co.maui.hi.us  
**Subject:** Testimony on # 15-203 Buy Peahi Open Space

Aloha and thanks for working to buy all this land

Gregg Blue

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2015 JUL 23 PM 12:06  
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COUNTY CLERK

**From:** Gary Passon <gpasson@vectoraero.com>  
**Sent:** Thursday, July 23, 2015 8:40 AM  
**To:** county.clerk@co.maui.hi.us  
**Subject:** Testimony on # 15-203 Buy Peahi Open Space

I support the purchase and ask the Council to fully fund it.

Gary



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**From:** Kate Holdsworth <kate@inner-resting.us>  
**Sent:** Thursday, July 23, 2015 11:38 AM  
**To:** county.clerk@co.maui.hi.us  
**Subject:** Testimony on # 15-203 Buy Peahi Open Space

- We support the Mayor acquiring all four lots, plus he should discuss with A&B what plans there are to protect

Kuiaha Bay and the possibility for the County acquiring it

- The lots most at risk of being sold (three smaller lots) should be acquired in Phase 1
- The purchase could be done in phases, as long as the land is secured. This has been done w/ Launiupoko, Makena State park and other larger areas
- Launiupoko only had \$3 mil in budget, yet the price was \$12 to \$16 mil. The budget funds are just a "placeholder" for the full price.
- The land has many public benefits: Traditional and cultural use; ag park; horseback and bike riding, surfing access; fishing access; viewing of "Jaws" wave; outdoor education for schools and youth facilities; views of the ocean and other recreational uses.
- Community groups are ready to work together on a management strategy and have a "vision statement"

Sincerely,

Kate Holdsworth

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2015 JUL 23 PM 12:09  
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COUNTY CLERK

**CHRISTEL & JOHN BLUMER-BUELL**  
Post Office Box 787, Hana, Hawaii 96713  
Email [blubu@hawaii.rr.com](mailto:blubu@hawaii.rr.com) Telephone 248-8972

July 23, 2015

Maui County Council Council, Mike White, Chair  
200 South High Street, Wailuku, Hawaii 96793  
Sent Via Email

**Subject: Public Testimony for Council Meeting of July 24, 2015, Regarding Communication 15-203. "MAYOR, relating to the purchase of the 267 acre North Shore parcel at Kuiaha (Haiku Sugar East Subdivision)".**

Aloha Council Chair White and Council Members,

Please refer the subject communication and purchase to the appropriate committee for resolution of issues and purchase of the entire 267 acres.

We supported the purchase of this property during the recent budget hearings and are surprised the purchase price has escalated.

This is an important purchase for the citizens of Maui County, visitors from around the world and residents of the North Shore.

Sincerely yours,

***Christel and John Blumer-Buell***, Hana

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**From:** Pete155@aol.com  
**Sent:** Thursday, July 23, 2015 1:16 PM  
**To:** county.clerk@co.maui.hi.us; mayors.office@mauicounty.gov  
**Subject:** Open Space Purchase...267 acres at Peahi

Aloha County Council members & Mayor Arakawa,

This message is sent in support of **Council agenda item 15-203**

concerning the purchase of 267 acres at Peahi.

I strongly support purchase of this land and thank you all for including \$ 3 million in the budget. I realize that additional funds will be needed, but assure you that there are a LOT of people & organizations ready to raise more money. Please take this opportunity to buy open space on Maui's spectacular north shore.

Mike Foley.....Makawao....former Maui County Planning Director

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## SUPPORT Hamakualoa Open Space Land Acquisition

✕ DELETE   ← REPLY   ⇐ REPLY ALL   → FORWARD   ...



outlook\_945bcbf227049f41@outlook.com on behalf of Josep <sup>mark as unread</sup>  
Thu 7/23/2015 2:56 PM

To: County Clerk;

Bing Maps

+ Get more apps

Attn Maui County Council:

SUPPORT Hamakualoa Open Space Land Acquisition

I am AWARE of the total asking price of \$10.675 million for the 267 acres.

I SUPPORT the acquisition of these lands.

I SUPPORT using the financial method used to acquire the 100 acres of the Launiupoko Greenway.

I SUPPORT acquiring this land for the public purpose of:

Access to & Use of AG lands for growing food for our community;

Access to & Use of Outdoor Recreational Lands in the district of Hamakualoa;

Access to & Activation of Cultural Sites within this land complex;

Access to & Preservation of Open Space & Scenic views.

Thank you for your very kind attention.

Joseph Kohn MD  
1268 W Hiahia Pl  
Wailuku, HI 96793-9762  
808-359-6605  
Joseph@WeAreOne.cc  
[www.WeAreOne.cc](http://www.WeAreOne.cc)

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## Testimony on # 15-203 Buy Peahi Open Space

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→ FORWARD

...



Lila Sherman <lila@loveshackmaui.com>

Thu 7/23/2015 4:18 PM

mark as unread

To: county.clerk@co.maui.hi.us;

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To always show content from this sender, click here.

I'm appreciative of our County Council's effort to preserve our land at Peahi. Please! Do all that is necessary to keep it available for Maui's future. We're losing our beloved, tranquil, beautiful Maui too quickly. You have the power! Use it wisely, Please!!!

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[www.avast.com](http://www.avast.com)

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Agenda Item: No. 15-203 -"relating to the purchase of the 267 acre North Shore parcel at Kuiaha (Haiku Sugar East Subdivision)"

✕ DELETE   ← REPLY   ⇐ REPLY ALL   → FORWARD   ...



Kapulani Antonio <kapulani66@gmail.com>

mark as unread

Thu 7/23/2015 4:28 PM

To: county.clerk@co.maui.hi.us; Mayors.Office@mauicounty.gov;

Aloha Mayor Arakawa.

Being born and raised on O'ahu, I am very concerned about the development of Maui, mostly by private landowner A&B. The people of Maui should have a say in how much their island is developed and at what rate. This being said, I support Maui County's acquisition of land on the North Shore. We need to preserve as much green space as possible.

- I support acquiring all four lots, and urge you to discuss with A&B what plans there are to protect Kuiaha Bay and the possibility of the County acquiring it.
- The lots most at risk of being sold (three smaller lots) should be acquired in Phase 1.
- The purchase could be done in phases, as long as the land is secured.

Mahalo for your attention to this matter for the pono o Maui nei into the future. We do not want to see Maui become another O'ahu. Let's move toward responsible development rather than the haphazard development we have seen on Maui over the years (i.e. Kīhei).

Me ka 'oia'i'o,

Kapulani Antonio, registered voter of Maui

[kapulani66@gmail.com](mailto:kapulani66@gmail.com)

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Testimony on # 15-203 Buy Peahi Open Space

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...



Donna Barata <yourspaciousness@gmail.com>

Thu 7/23/2015 6:17 PM

mark as unread

To: county.clerk@co.maui.hi.us;

PLEASE SAVE LAND FOR COMMUNITY USE. THANK YOU

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## Hamakualoa Open Space Land Acquisition

✕ DELETE

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...



Karen Comcowich &lt;jskaren@outlook.com&gt;

Fri 7/24/2015 1:56 AM

mark as unread

To: County Clerk;

To: Maui County Council,  
From: Karen Comcowich, Lahaina, HI

Re: Land acquisition by Jaws

I support the acquisition of the Hamakualoa Open Space to be used for access to open space, access to culturally significant lands, access to outdoor recreational lands and agriculture for the community. I am aware that the asking price is \$10.675 million, I support using the financing method used to acquire the Launiupoko Greenway.

Maui needs to preserve as much green space as possible. Natural areas are important for mental and physical health of residents, the beauty of the island, health of the ocean, and the health of our economy (which depends on beautiful places for tourists to explore, as well as healthy, happy workers).

Thank you for your time and service,  
Karen J. Comcowich

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Testimony on # 15-203 Buy Peahi Open Space

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David Darling <ddarling@maui.net>

Thu 7/23/2015 7:06 PM

mark as unread

To: county.clerk@co.maui.hi.us;

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To always show content from this sender, click here.

THANK YOU so very much for considering the purchase of Kuiaha Bay and the surrounding properties so my grandchildfen may enjoy open space and the beautiful vistas and world class surf spot PEAHI. There are place for development and places for OPEN SPACE and enjoyment for all citizens of Maui County. This is a precious gem that deserves protection and a park like setting for recreation and passive enjoyment/

Mahalo David Darling

6 NUNU PL KULA HI 96790

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[www.avast.com](http://www.avast.com)

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## Testimony on # 15-203 Buy Peahi Open Space

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Steve Forman <stevenmforman@yahoo.com>

Thu 7/23/2015 9:00 PM

mark as unread

To: county.clerk@co.maui.hi.us;

Aloha Everyone,

First of all I would like to thanks the County Council for seeing the need to secure this land for open space and to preserve the natural feel of the rural areas of this island. I am very grateful also that they have at least put some money up to show that they want to do this.

It is so important to start putting more land aside to preserve the natural beauty . The amount of building and development I've seen in the 25 years that I have lived here has totally changed the feel of Maui. If we keep on this pace with no concern for the the future and preserving the natural environment I believe we will have given away most of the important areas that keep are local communities feeling enriched and thriving.

Please see the importance and preserve what we can now so we don't over build in the haste for development and then not be able to get it back.

Thanks

Steven Forman

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## Item # 15-203 Relating to Purchase of 267 acres at Kuiaha

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Bill Knowlton <billdog100@gmail.com>

Fri 7/24/2015 7:26 AM

mark as unread

To: county.clerk@co.maui.hi.us;

Dear Council members, I have lived in Haiku for more than 40 years and support the purchase of land at Kuiaha by the County of Maui. Here are three reasons why:

1. The money is available in the fund, and should be spent on the intended purchase. Locals and tourists alike appreciate Open Space.
2. Families and fishermen can hike along the coast and fish, which has been happening for more than a thousand years.
3. There are old roads and trails running through the land, and the public has the right to use these old roads and trails. The purchase price of this land should be less when these old roads and trails are taken into account by the appraiser. A&B is disclosing or "declaring" this property is subject to certain roads.

Thank you for supporting the purchase of this land at Kuiaha, Haiku, Maui. Bill.

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Please protect the 267 acre North Shore parcel at Kuiaha

✕ DELETE

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→ FORWARD

...



cathy knowlton <cathy@jim.nu>

Thu 7/23/2015 8:30 PM

mark as unread

To: county.clerk@co.maui.hi.us;

Cc: Mayors.Office@mauicounty.gov;

Thank you for budgeting in the 3 million to purchase one lot.

I support the Mayor acquiring all four lots.

Recreation is essential for healthy people. Please save this precious resource for our families and future generations.

Thank you, Cathy Knowlton  
Haiku HI

teacher at Baldwin HS

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Testimony on # 15-203 Buy Peahi Open Space

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Dom Marino <mauivip1@gmail.com>

Fri 7/24/2015 2:56 AM

mark as unread

To: county.clerk@co.maui.hi.us;

Aloha Maui County Council members.

Please know that I support the acquisition of all 4 Peahi lots and appreciate the efforts all of you apply to making this land public property. While the costs may seem high now, it's important to keep in mind the future access to oceanfront properties for the people that live on Maui.

Thank you for your efforts.

Aloha,

Dom

--

Dominick Marino  
VIP,Inc.

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COUNTY CLERK

## Testimony on # 15-203 Buy Peahi Open Space

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shane santos &lt;ssantoshaiku@gmail.com&gt;

mark as unread

Thu 7/23/2015 7:15 PM

To: county.clerk@co.maui.hi.us;

To whom it may concern, I strongly oppose the development of this land. **To the casual observer, this land may appear unused. It is far from that. We have very little public land on this side of the island** and many people are using this land to walk their dogs, ride their horses, motorcycles and mountain bikes, go fishing or diving, or take their 4x4 offroad. Basically it is a public area open to all. **This is one of the last pieces of undeveloped land on the north shore and having it developed would be a great loss. I would really like to see the County or State or whoever buy this land to preserve it for future generations.**

**To focus specifically on the subdivision, I do not believe that Haiku has the infrastructure to support the amount of people that a subdivision of that scale would bring into the community.** It is already difficult to get a parking space to check my mail at the Post Office. And at least some of the new people will have children, where will they go to school? I believe Haiku school is already quite full--did anyone think about that? Not to mention the additional traffic that this will bring to the already congested Paia town during rush hour. This developer just wants to fill his bank account with money and stick us with the long lasting problems.

I wish that I could come and testify in person but testimony is being taken during work hours and I cant make it. Thank you for your time. Ssantos

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Written Testimony

Marvin Kalani Miles

July 24, 2015

Honorable Mike White, Chair  
and Members of the Maui County Council  
200 South High Street  
Wailuku, Hawaii 96793

Dear Honorable Chair White and Members:

**SUBJECT: COMMITTEE REPORT NO. 15-76**

**ADOPTION OF RESOLUTION TO AUTHORIZE SETTLEMENT OF IN THE  
MATTER OF THE GRIEVANCE ARBITRATION BETWEEN STATE OF HAWAII  
ORGANIZATION OF POLICE OFFICERS, ON BEHALF OF MARVIN KALANI  
MILES, AND COUNTY OF MAUI, MAUI POLICE DEPARTMENT, SHOPO CASE  
M-2012-004; AND MARVIN KALANI MILES v. MAUI POLICE CHIEF GARY  
YABUTA, et al., CIVIL 14-1-0345(2)**

My name is Marvin Kalani Miles and I am a former Police Officer for the County of Maui. I am providing this communication as written testimony. It is my hope that this letter will shed some light upon the following abovementioned matter that is set before you today. It is my belief that you all are apprised of my case in its entirety. With that in mind, this is a very brief summary of what I have experienced over the past three (3) years.

The violations claimed by the Maui Police Department ("Department") that led to my termination are unjustified and distorted. The actions taken by the Department did not show a clear line of progressive discipline, which is highly regarded in the collective bargaining agreement between the County of Maui and the State of Hawaii Organization of Police Officers ("SHOPO"). The General Orders and Standard Operating Procedures of the Department were not criminal in nature. In what may have initiated a chain reaction of unwarranted and bias treatment from management within the Department was excessive and undeserving; and a result of orders given to me by my immediate supervisor whom has a history of retaliation if orders given are not followed.

Following this incident with my immediate supervisor was a series of events that ultimately led to, in my opinion, collusion and disparate treatment with other management/leaders of the Department. Subsequently, due to my core belief of speaking up for what is right; and standing on what is the law from my education and training in becoming a police officer, as a result --I was terminated.

The alleged harassment from Department managers/leaders did not end when my employment ended. It continued while I sought assistance & representation from SHOPO and

## Written Testimony

Marvin Kalani Miles

acquired a new job with Securitas as an Airport Law Enforcement Officer. My employment with Securitas was from May 2012 to September 2013. I believe I was a good employee and in good/positive standing with the company. At no time were there any incidences or occurrences pertaining to my duties and work ethic that merited any disciplinary action (oral or written reprimand). In fact, I garnered a few commendations. My termination from Securitas is questionable as well.

While employed with Securitas, conditions were difficult for me as there would be a significant amount of law enforcement officers (active and/or retired) whom were fellow colleagues of mine at the Department that I would be in contact with or in the presence of. I got the sense that my fellow colleagues did not feel that I should have been able to obtain employment with Securitas because of my termination by the Department. I felt displaced and looked down upon as if I had committed a criminal act. Furthermore, it was obvious that there remained strong ties/relationships between several Department managers/leaders and management of Securitas. These relationships, I strongly believe, did not help my employment with Securitas. The Department used their relationship(s) to harass me several times, serve me papers and terminate me (again) from the Department. I am perplexed by the duplicate termination from the Department.

Moreover, an unlawful investigation of my firearm, which was stolen from my vehicle was initiated and launched by the Department. This being a serious circumstance should not have been directed towards me, which it was; but rather the investigators should have gathered all the facts and engaged themselves in searching, locating, and obtaining the firearm and the individual who had committed the crime. I feel that this was another retaliatory act by the Department. However, Securitas terminated my employment due to this as well as any other hearsay that they may have been influenced by.

Preceding my termination with Securitas, I was unable to find work for a period of seven (7) months. Finding employment proved to be very difficult due to the negative information shared by my former employers; one (Securitas) of which was influenced by the other (Department). I was informed that the Department has made an agreement with the Directors of Security at the airport, which states, "Not to hire any person(s) that has been previously terminated from the Maui County Police Department." This statement was sent to me via text message by one of the Security Directors, Mr. Derek Lee, who is a retired Sergeant from the Department.

Subsequently, I was arrested and charged by the Department under the Hawaii Revised Statutes ("HRS") 134, "*IN PERTAINING TO FIREARMS, AMMUNITION AND DANGEROUS WEAPONS.*" The arrest came approximately four (4) days prior to my scheduled arbitration hearing. Therefore the hearing was postponed pending the results and outcome of the case. I had received a legal opinion from Moana Lutey of Corporation Counsel. It was disheartening and untrue. She stated that I, in fact, did not possess any police powers, but failed to mention it



**Written Testimony**

**Marvin Kalani Miles**

in the case to the County prosecutors that I was an employee of Securitas as a Law Enforcement Officer at the airport. The case took approximately 6 - 7 months to resolve. Ultimately, all charges were dropped considering that I was covered under two (2) State laws and the Federal law for Law Enforcement Officers Safety Act of 2004 ("L.E.O.S.A ").

The handling of the above case matter deemed to be one without validity. It seems that everyone involved, suddenly, was taken off of the case and it was not actively being worked on. In other words, no investigation was initiated to catch the "true" thief and criminal who broke into my vehicle in broad daylight; no search for the firearm; and no contact to apprise me that the firearm was "anonymously" turned in to the Department. I believe my rights have been violated as I should be able to attain my firearm in which is sitting in evidence taking up space.

I would like to add that during my termination with the Department, I had met with Chief Gary Yabuta whom took the position to say that my employment was terminated for the benefit of the Department. Deputy Chief Clayton Tom followed up with stating that they "cared" about what happened to me after the termination. More was shared and communicated; and I have shared the details of this meeting and encounter with the SHOPO attorney/representative. It is my hope that these details have been shared with Corporation Counsel Thomas Kolbe and ultimately shared with you. I say this because their statements are hurtful and deceiving. These individuals shared their own part of retaliation by their own doing; or by instigation and/or intimidation through others who followed their commands.

In closing, I could share more and would do so if asked. I felt the need to provide this letter to you all, as my family and I have endured a number of years of undeserving shame, financial hardship, rude & crude gossip, and just plain old hardship! I humbly ask of you - Members of the Maui County Council to make a fair and impartial assessment of this case. This case before you would not have, in my opinion, come before you if accurate and proper measures were followed. This respectfully includes taking into consideration of the current, standing collective bargaining agreement. For some the collective bargaining agreement and the potential of proper representation are "golden". As I am experiencing such hardship with my previous employer, I find myself relying on this life-line through SHOPO with optimism and hope to be treated fairly, to have a harmonious and safe work environment, and to believe in the simplest of a core work ethic belief - "You Do Good, You Work Hard; and You Get Rewarded." I don't want this experience to taint or tarnish my humble beliefs of being honest and doing the right thing! Neither do I want to have the perception that all Department managers/leaders are insincere or untrustworthy. I, still, believe there are those who do lead with their best foot forward.

In resolving this issue, the remedies that could make me whole in resolving this issue would be: 1) To receive retro-pay that I would have received otherwise if termination did not occur, with proper step-movements and raises; and 2) I would sincerely desire to return back to the Department as an employee (Police Officer) with the opportunity for advancement.

Written Testimony

Marvin Kalani Miles

If some are wondering why I desire to return back to the Department, I want to share that I never felt that my departure was fair and I didn't resign or walk out on my fellow brothers and sisters in the organization. I chose this profession because I believe in what a police officer stands for (to protect & to serve their community). I also believe in making a difference in the community, which I understand every decision and action I make as a police officer will either have a positive or negative impact. I am human, and humans make mistakes, but I will do my absolute very best to be mindful of how one is to be treated regardless of my "so-called" power under the color of law. I feel I have always operated under these values.

I am passionate about the work that I am tasked to do and I take the responsibility of it very seriously. To repeat, I am not perfect. But, I strive to work hard and do the very best that I can every time I was out there. There may be new management and leadership since the retirement of Chief Gary Yabuta and it is my hope that with the "new" comes reform and that revisiting the mission statement wheel regarding the organization will be embraced and part of one's daily habits: *Compassion, Fairness, Service, and Integrity*. It's a shame that none of these timeless attributes were considered when I was being forced out of a profession that I love and unfairly terminated.

Thank you very much for your time and consideration regarding this matter.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be 'M. Kalani Miles', with a stylized flourish at the end.

Marvin Kalani Miles